App. F. IX-4

Previous References

1939.
(Legis)

File No. 22
Serial Nos. 1 to

Later References.
Legis. 22 - 39 Sls: 5, 6, 7
" 22 - 39 Sls: 8, 9, 10
Law Dep. 22/42
Pol 296-46-(1-2)

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Journ nil

A
Part B for September 1939

SUBJECT.

The Mysore Public Security Act
(Emergency Act)

Notifn No 2213 dy 25.9.39

Serial No.

1 The Committee of enquiry on the disturbances at Viduraswatha, in paragraph 129 of their report have urged on the Government the desirability of enacting an enactment like the Criminal Law Amendment Act in Britis India with suitable modifications.

2 Paragraph 129 of the Report reads as follows:-

" We have stated that one of the steps that may be take to prevent collision between the authorities nd the public, is to prevent huge congregations by timely acti Indeed, it was at one time urged by Mr.Raju that the officers should not have allowed so many persons to assemble at Viduraswatha on the 25th. This is a wholes suggestion, and if the existing statutes do not afford sufficient facilities to attain that object, an enactme like the Criminal Law Amendment Act of British India, w suitable modifications, may with advantage be introduce in the State, not with the object of using it constantl but only to prevent such critical situations as the one we are dealing with. We may mention that the Congress ministry in Madras recently opposed a Bill brought on behalf of the public for its repeal, and maintained tha such an enactment was necessary for the maintenance of law and order."

The question of enacting a Criminal Law Amendment Act had come up before Government last year and it was postponed after consideration, as the then political

WD 0544—GPB—30,000—2-9-83

condition did not ~~make~~ require such an enactment. The existing Criminal Law Amendment Acts in British India are two. On is Act XIV of 1908 and another is Act XXIII of 1932. Act XIV of 1908 gives power to declare associations as unlawful, and to take possession of places used by such associations and to deal with the properties of such association and ~~powers~~ persons found assisting such associations. Act XXIII of 1932 deals with dissemination of contents of proscribe documents and molesting a person to the prejudice of his employment or business. These two Acts as modified by th Criminal Law Amendment Act of 1935, have been typed and are placed below, (Flags 'A' and 'B'). It is under Act XXIII of 1932 that the Government of Madras has been taki action against the Anti Hindi Agitators and prosecuting them under Section 7. The Act of 1935, except amending the Act of 1908 and 1932, does not add anything fresh to the existing Acts.

4 If a Criminal Law Amendment Act has got to be enacted in Mysore on the lines of these two Acts, it is desirable to take power to deal with suspected persons, and to arrest and detain them to prevent disturbance of the public peace. An Emergent Act of this kind had been proposed by me as per Flag 'U'. This will ~~prevent~~ enable suspe persons being confined in a particular area during times disturbance.

5 The Punjab Criminal Law Amendment Act(Flag'D'), contains such a provision, and such a provision is also

Serial No.

found in the Bengal Public Security Act of 1932.

6 It seems desirable also to have an Act similar to the prevention of seditious meetings Act X of 1911 for the prevention of public meetings likely to promote sedition or cause disturbance of public tranquility. No public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement, or for the exhibition or distribution of any writing or printed matter relating to any such subject, shall be held unless written notice is given to the District Magistrate at least three days previously or unless permission to hold the meeting had been obtained from the District Magistrate. A Bill of this kind was framed last year (Flag 'E'), asIt was proposed then to introduce these Acts in the form of Ordinances or Emergent Acts under Section 12 of the Legislative Council Act.unThe discussion relating to those measures is found in the file placed below. On the last occasion when the proposals to pass such an Ordinance were placed before the Political Affairs Committee, the members of that Committee, ~~the members of that Committee~~ were of opinion that such Ordinances were necessary to deal with political situations then existing. Acts similar to the British Indian Acts seem to be desirable for necessary powers to deal with disturbances of public tranquility. All these

NOTE.—Contn. Sheet.

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Special Legislation for maintaining law & order

5123/P

File No

General and Revenue Secretariat

OFFICE OF THE FIRST MINISTER OF COUNCIL
FEB 14 1939
No. 6531

Acts may be combined into a Criminal Law Amendment Act or a Public Safety Act as it is called in some Provinces to give sufficient power to the Government to deal with situations as they arise.

Chief Secy) 7 The Govt. Advocate may be consulted. MS 14/2/39 13-2-39 hg

Cr. Court Manual Vol I

1st member) hg 14-2

CHIEF SECRETARY. 14. FEB. 1939 GOVT. OF MYSORE.

8 This is not perhaps an opportune moment for undertaking such legislation But it is necessary that the draft bills or ordinances should be scrutinised & kept ready so that action might be taken without delay should an emergency arise the Govt Advocate may be consulted, as suggested above If possible all the provisions may be brought into a single bill Papers may be submitted to the Dewan

Dewan) 15/2/39 MS 15/2 hg 15-2

9 Ms 15-2-39 MS 16/2 BKR 16-2

Subd to Home Secy

hg 21/2

Serial No.	
C.O. No. 482/27/2/39	10 Forwarded with compliments to the Government Advocate. Nanjundarao & Co 27.2.39 11 So far as I can guage the situation, it will not likely become very serious in any near future. I learn that though the minority which openly opposed the recent resolution of the Mysore Congress to withdraw from the public bodies is rather small a good number of the majority that voted for it were rather half-hearted. Even as regards the local movement in Mysore, many friends of mine who had been here recently told me that the bulk of the city populace had no real sympathy with the movement though they did not actively oppose it. Feeling therefore that there may be no urgent need to push through the measures very early I have made the suggestions as noted hereunder. 12 Sometime ago I proposed that a Bill called "Public Safety Bill" incorporating all the necessary measures in one compact piece of legislation might be put through (vide my letter dated 22nd November 1937 to the Chief Secretary in connection with the file relating to the deportation of Mr. Gupta). This point may also be kindly considered along with the question whether the proposed legislation should not be made the ordinary law

Special Legislation.

File No. of 193

law of the land.... Some parts of the bills as drafted are to be found in the permanent statute law in England as well in British India. The suggestion of the Viduaraswatha Committee also is, I think, not different in this respect.

13 The power to bring into force or withdraw from operation all or any of the measures over the entire State or any part of it may be retained by the Government, who can by themselves deal with the situation by an appropriate exercise of that power without making use of section 42 of the Legislative Council Act which requires the assent of His Highness the Maharaja, whose name will therefore not be in the picture in such time of tension. Many enactments in our State have vested such power in the Government and therefore the proposal is not altogether new c unprecendented.

14 If this idea be acceptable, then the measures need not be called an "Emergency Act" which may cause some scare in and outside the State.

15 If the Government should be pleased to agree with what is mentioned above, a consolidated draft with the copies of the Acts recently passed in Travancore, Hyderabad and Kashmir may kindly be got for a comparative study

The file is returned

M. N. Lakshmana

Government Advocate in Mysore.

Bangalore,
5-3-1939.

16 As suggested, a consolidated Bill on the lines of the British Indian Criminal Law Amendment Act, the Foreigner's Act and the Seditious Act is submitted herewith. The Bill has been divided into 7 Chapters. Chapter I contains Definitions; Chapter II deals with Special Powers of Arrest and Detention. This chapter gives power to Govt. and its officers for the purpose of maintaining law and order by arresting and detaining suspected persons and to control the movement of such persons and of punishing them when they disobeyed orders issued by the Govt., in this matter. Such a provision is found inChapter II of the Criminal Law Amendment Act of the Punjab and in Special Powers Ordinance X of 1932. Chapter III deals with the suppression of unlawful associations. Under this chapter Government get power to declare any associations unlawful which, in their opinion, is dangerous to public interest and tranquillity. Govt. can also take possession of the buildings used for such purposes as well as the proper the papers amd the funds of such association. They have also the power to dispose of such properties in any manner they think best. This is based on the Criminal Law Amendment Act of 1908 as amended by Act of 1932. Chapter IV deals with the prevention of seditious and certain other public meetings. In place

where this Act is put into operation, no public meetings can take place without the permission of the District Magistrate even though such meetings take place in private buildings. Government can impose conditions regarding the holding of such public meetings and prohibit even such meetings and any person who conducts the meeting in violation of the Government Order shall be considered to have bee a member of an unlawful assembly. Punishment has also been provided for violation of the Government Order. This is based on the Seditious Meetings Act X of 1911 of the Central Legislature. Chapter V of the Bill deals with molesting a person to the prejudice of employment of persons. This corresponds to Sec. 7 of the Criminal Law Amendment Act 23 of 1932. This provision will enable Govt. to take action against such agitation which is now going on before the Hamilton Building at Mysore. Chapter VI deals the provisions relating to foreigners. This is base on certain provisions of the Foreigner's Act of 1864 Only a few sections which are necessary for our purposes are embodied in Chapter VI. It does not seem necessary to apply the provisions relating to licens of foreigners in the State. Under this chapter, Govt can order a foreigner to remove himself and the Dt. Magistrate, pending orders of Govt., may detain and

Serial No.

apprehend a foreigner who refuses to remove himself out of the State or returns without permission after he is removed. Penalties are prescribed in chapter VII for obstructing officers in discharging their duties under this ~~chapter~~ Act.

17 Chapter II is intended more to restrict the subjects of Mysore who lead big gatherings and try to cause a breach of the public peace. In such case Government can effectively restrain such leaders fro moving beyond a certain area. This will be ~~salutary~~ in ~~preventing a big gathering~~. The existing Criminal Law Amendment Acts of 1908 and 1932 in British India as amended up-to-date are found in Flags 'A' and 'B'. The preamble to this bill is similar to the Criminal Law Amendment Act of the Punjab (Flag D).

18 If the principles of this Bill are approved, necessary steps will be taken to place this Bill before the next Rep. Assembly and the Legis.Council. If it is found in the meanwhile that an emergency has ~~occurred for~~ necessitate the introduction of the provisions of this Bill, it may be introduced temporarily as an Emergent Act ~~under~~ Sec 12 of the Act.

/80 member
Hon'ble
addl Secy
chief Secy

18.3.39

Special legislation

File No

of 193

General and Revenue Secretariat

Serial No.

19 I have revised the draft bill
Phrase set in retyped

CL
17/3/39

20 The revised draft is typed and submitted.

23.3.39 abdul Seez) CL

Serial No.

21 A draft bill has been drawn up for dealing with disturbances to public safety, etc. It may be called the Mysore Public Security Act following the Bengal nomenclature. It contains provisions for dealing with the following matters:

22 I (1) Power to arrest and detain persons acting prejudicially to the public safety;

(2) Power to control movements of such persons.

23 These provisions follow the Criminal Law Amendment Acts in the several provinces of British India.

24 II. (1) Power to ban unlawful associations;

(2) Power to take possession of the property of unlawful associations and forfeit their funds.

25 These provisions follow the Indian Criminal Law Amendment Act of 1908 as amended by the Criminal Law Amendment Act of 1932.

26 III. Power to prevent public meetings likely to cause disturbance or public excitement.

27 These provisions follow the Indian Seditious Meetings Act of 1911.

28 IV. Provisions against certain forms of intimidation molestation, etc.

These follow the Indian Criminal Law Amendment

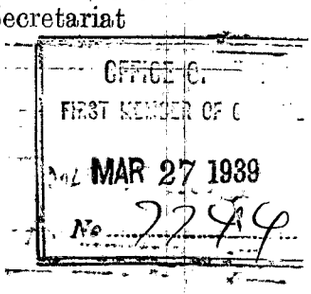
WD 0544—GPB—30,000—2-9-83

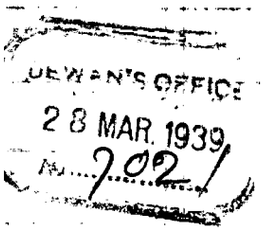
5123

R. Reson Public Tenure + Bill

File No. of 193

General and Revenue Secretariat





Amendment Act of 1932.

Provisions against no-tax campaign, etc.

These follow the Criminal Law Amendment Acts of the several provinces.

VI. Power to deport undesirable foreigners

A few of the salient provisions of the Foreigner's Act have been adapted.

33 All the provisions in this bill are in for British India under some one Act or another are no new provisions. Since they are all no for exercise at times of emergency in connecti public safety, they may all be brought under o instead of having separate Acts for each subject

5123/P The Mysore Public Security Bill

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

35 Meanwhile, copies of the bill may be sent confidentially to the marginally noted officers for their suggestions, if any. The present draft of the bill will also be placed before the Political Affairs Committee

Yours
28/3/39 MS
29/3

Dewan)

36 MS
29-3-39
MS
30/3/39
BSCR
30.3
KSP
31.3

Issued D.O. P 5328-37 to D.C.s of Districts, 25-4-39
I. G. of Police and Govt. Advocate
Issued D.O. P 5338 to Registrar High Court 25-4-39

From

D. C. Mysore: T.C. 223/38-39 dated 7.4.39.
D.C. Kolar T.C 667/38-39 dated 9.4.39
D.C. Hassan C.R. 43/38 dated 10.4.39
D.C. Shimoga C.C. 21/38-39 dated 10.4.39.

Replies have been received from D.C.s of 4 districts. The District Magistrates of Mysore and Hassan have no suggestions to offer. The District Magistrate of Shimoga has suggested

Nigeria Public Security Bill, 1963 (6316, 6299)

(6321)

File No. of 193

General and Revenue Secretariat

period of [illegible] months in which to [illegible]

marks.

Magistrate [illegible]

Inclusion of section 384 and 385 etc in the list of offences given in section 26(1) of the Bill as Cognisable and non-bailable.

Inclusion of a provision that a Legal Practitioner Convicted under this Act should ipso facto cease to be ~~a barrister, solicitor~~ allowed to practice in Court if that a Conviction should make him unfit to Prac

Serial No.

letter no C.C. 45/38-39 dated 4th may 1939.
making 2 suggestions in regard to the Bill.

43 He suggests

(1) an alternative draft to section 1 — clause (2)

(2) deletion of proviso (a) to Section 20 — clause (1)

A ~~tabular~~ statement comparing all the suggestions received so far is put up.

43 Submitted for orders.

~~Sne~~ 9.5.39 44 points 1, 2 & 4, perhaps require consideration.

Sne 45 These suggestions will be further examined by the Political Affairs Committee who were consulted in the matter and of opinion that there is no necessity at present for a law of this kind.

My comments & Secretary, Chief Magistrate & Bangalore have now been their views

kg 9.5

Some of the officers who were consulted are ~~of~~ opposed to ~~the~~ ~~bill~~ ~~and~~ ~~have~~ ~~no~~ ~~suggestions~~ have now sent on something against the bill and have more a few suggestions. They seem to approve of this bill generally.

46 It is a point for orders whether the further action has to be taken to place the bill before the Hon'ble L.C. & R.M.

(for members)

kg 9.5

47 It is not intended to place the bill before the R.A. at the next session.

WD 0544—GPB—30,000—2-9-83

9/5/39

Mysore Public Security Bill

File No. of 193

General and Revenue Secretariat

From The Registrar the High Court of Mysore
Ltr no R.O.C 1298/38-39 dated 10.5.1939
Forwards suggestions in regard to the Bill.
It is stated that the views of the Judges were already
Communicated when the desirability of introducing such
a measure was under Consideration. This letter in the
linked file shows that the Judges Considered such a
measure unnecessary. However Later in the P.U.D it is
stated that it is desirable to have the powers Contemplated
in the Bill to meet Cases of emergencies that may arise
in future.
Re the Bill itself, the Words "and name to Public
Safety" is suggested
(2) clause 5 to 8 are suggested for inclusion in
the last chapter instead of Chapter II.
This need be considered when the report is received
Submitted for orders. 50 10/5/39 Whether officers are Confirmed.

Sd/-
11.5.39

The District Magistrate, Tumkur
Ltr letter Dated 17th May 193
States that the Bill seems Comprehensive and he has
no suggestions to offer.
The Upris from the other two D. Mis will be as

52 10/5/39
Sd/-
18.6.

From The District Magistrate, Bangalore
C. no 97/38-39 dated 22-5-39
with suggestions re the Bill.

5123/39

Mysore Public Security Bill.

General and Revenue Secretariat	File No.	of 193	[App. F. III–2

Serial No.	
53	The D. m. Bangalore has forwarded certain suggestions regarding the Bill.
54	The report of the D. m. Kadur will if appears be awaited Sd/ 24.5.39

55 hg/ 24.5

56 Yes. MK/ 6/6139

hg/ 9.6.39

57 When the Political Affairs Committee were consulted in May last about the Public Security Bill, they were of opinion that there was no necessity just then for a law of this kind. But conditions have changed considerably since then - the political atmosphere as also the conditions brought about by the outbreak of war. The Defence of India ordinance which is in force contains many more drastic provisions than the Public Safety Bill to deal with acts against public safety & interest" apart from the "efficient prosecution of war & the defence India". It cannot therefore be argued that the present conditions do not justify the Govt arming themselves with the powers in this Bill

5123/0 Public Safety Bill

File No. of 193 General and Revenue Secretariat.

for preventing subversive activities and incitement to commit breaches of laws & orders or to abstain from paying taxes etc. The only provisions available now are Sec 144 Cr. P. Code & Sec 39 Police Act. These orders are being openly flouted now by a section of the public & these powers are quite inadequate to deal with them.

5 & In view of existing conditions, the Public Safety Bill may be enacted into law. Some of the provisions in it such as powers to detain & control suspected persons, prevent agitators & other mischiefs are found in the Defence of India ordinance also. But the latter is only a war measure & temporary.

5 9 The Public Safety Bill is comprehensive. Its provisions therein are found in one or more of the following Acts which are on the Statute Book in British India — The Indian Criminal Law Amendment Act 1908, The Seditious Meetings Act 1911, The Criminal Law Amendment Acts in the Provinces, & the Foreigners Act. No power is being taken which is not in force & use in British India.

6 0 If approved the Bill would be placed before the R.A this evening & then in the L.C.

for Member
Dewan

62 MS

61 Gen 21/9/39

22-9-39

OFFICE OF THE
FIRST MEMBER OF COUNCIL
SEP 21 1939
No 2263

Public Safety Bill 5123/D '5

eneral and Revenue Secretariat. | File No. 69/1/P/38 of 19 [App. P. III-2

Serial No.

(3 2nd Member)

Ce 2.9/8 3 25/9/

64 P.a 26.9

Ce. 7/9 3 8/9

Serial No.

It has been ordered that The Public Security Bill be placed before The ensuing R. A. Session and action is being taken in regard to it. It will take some four months at least for The Bill to be passed by The L.C.

2. In the meanwhile the necessity for preventive measures as are provided in the Bill is felt in view of an account of the organised disturbances & incitements to breaches of law & order in several places. Many D.C's have recommended action under The Defence of India Rules. In these circumstances it would be desirable to promulgate The Public Security Bill as an ordinance under Sec 12 of The Leg. Council Act, His Highness's assent is necessary for The issue of an emergent Act.

Yours sincerely

1st November

H. has been issued and the Govt of India notified. His Highness's assent being obtained

Cl. 25/9/39

MD 25-9-39

25/9/39

A draft G. O. Publishing the Mysore Public Security as Emergency Act No. XXIV of 1939 is put up.

2) under Section 1(2) Govt have to declare the area

which the Act or some of the provisions of it apply

Notification applying all the provisions of the Act to the

whole of Mysore, with certain exceptions

... Administered the Oath of Office to ...

...

under Section 3, authorising the District Magistrate

to exercise the powers under that section

and declaring that the Central Jail at Bangalore

persons are to be committed shall be the Central

Jail, Bangalore, Jail, Mysore and District Jail

under section 171 (1) of the ... Act

...

under section 26, declaring certain offences in the Whole of Mysore

to be cognizable and certain others non-bailable

notwithstanding the Code of Criminal Procedure

Mysore Public Security Act.

General and Revenue Secretariat. No. 22 of 1939 [App. F. III-2

Serial

73 Draft notifications under Secs 1, 3, 19 26 & 27 are submitted

74 Notification under Sec 11 & 14 do not seem necessary at present

(Sd Member) 25/9

75 Certain slight changes & mistakes in punctuation necessary in the Bill

1) Sec 12(2) - Three existed in the last but one line

2) Sec 22(2). Section 21 system of Section 20.

3) Sec 35 should be omitted in view of Sec 34

76 Notifications under Secs 1, 3 & 26 may issue now. Notifications under Secs 19 & 27 may be issued in regard to particular areas as & when Govt. may so propose.

(Sd Member) 25/9

77 Draft 25/9/39.

25/9

2107-P

Defence Public Security Act XXIV of 1939

File No. 22

General and Revenue Secretariat.

Issued G.O. P 2210 – Legis 22-39-1 dated 25-9-39 directing Publication of Defence Public Security Act as Act no XXIV of 1939

Issued Notification P 2211 – Legis 22-39-2 dated 25.9.39 applying under 1(2) all the Provisions of Act to whole of Defence

and Notification P 2212 – Legis 22-39-3 dated 25.9.39 appointing authorities under Section 2 Subsidiary Places granted

Issued Notification P 2213 – Legis 22-39-4 dated 25.9.39 declaring some Offences Cognizable & non-bailable under section 26

78 The Emergency Act and the Notifications have been Published in a Gazette Extraordinary dated 25.9.39. A copy of each item is put up.

79 Submitted

2nd Month.

le 6/9/39

80 Jr. C 3 24/9/39

27.9

le 27/

3

28/9

Imperial Public Securities Act 1927.

General and Revenue Secretariat.

Leg. File No. 22 of 1929 [App. F.

Serial No.

Reference is invited to paragraphs 57–62 Sep. where it was ordered that the bill may be withdrawn in the 2nd Sess.

A Statement of formal Principles and a draft Submission note are put up

Sd/-
29.2.29

D. S. N Ordered

Sd/-
29/5

Submitted to His Highness.

The enactment of a legislation to supplement the Criminal Law for the purpose of securing the public safety and interest and for maintaining law and order, which was one of the recommendations of the Committee of Enquiry on the disturbances at Viduraswatha, has been under the consideration of Government since then.

A draft Bill was prepared early this year on the lines of the Criminal Law Amendment Acts in force in the several provinces of British India, the Indian Seditious Meetings Act, and the Indian Foreigners Act.

The main provisions of the Bill are:-

1. Power to arrest and control the movements of persons acting prejudicially to the public safety;

2. Power to ban and to take possession of and forfeit the property of unlawful associations;

3. Power to prevent public meetings likely to cause disturbanc or public excitement;

4. Provisions against certain forms of intimidation;

5. Provisions against instigation to the illegal refusal of the payment of certain liabilities; and

6. Power to deport undesirable foreigners.

The recent subversive activities and the open defiance of law indulged in by a section of the public necessitated the promulgation of the Bill as an emergency measure and an emergency Act was passed last week in anticipation of the gracious assent of His Highness. It is proposed to place this measure permanently on the Statute Book.

The gracious sanction of His Highness is solicited both for the action now taken and for placing the general × principles of the × Bill before the Representative Assembly at its ensuing Dasara session and for introducing the Bill thereafter in the Legislative Council.

Mirza M. Ismail

DEWAN.

Bangalore,
29th September 1939.

Record of Cases submitted for the Orders of

His Highness the Maharaja.

Chief Secy
MR

Subject.

Enactment of the Mysore Public Security Act as an emergency measure.

Order.

~~KRW~~
2/10/39

512:3(2)
6727

H.H.21.405/p 989

General and Revenue
Secretariat.

SUBJECT:—

Enactment of the Mysore Public Security Act as an Emergency measure

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(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

Law Department.

3217
4.10.39

FIRST MEMBER OF COUNCIL. 4/10/39

2826
4.10.39

SECOND MEMBER OF COUNCIL. 4.10

Law Secy with Compliments.

4/10

7/10

7/10

WD 0579—GPB—375—20-12-38

THE SPECIAL POWERS EMERGENT ACT, 193..

An emergent Act to confer special powers on Government and its officers for the purpose of maintaining law and order.

WHEREAS an emergency has arisen which makes it necessary to confer special powers upon Government and its officers for the purpose of maintaining law and order:

NOW THEREFORE, in exercise of the powers conferred by Section 12 of the Legislative - Council Act, XIX of 1923, the Government of His Highness the Maharaja are pleased to make and promulgate the following emergent Act:-

this is taken from the special powers ordinance 1942 & 1932 & Correspondg to sec 3 · 4 & sec 17 there in similar clauses are found in Bengal public Security Act 1932.

Short title, extent and commencement.

1. (1) This Act may be called the Special Powers Act, 193..

(2) This Act extends to the whole of Mysore.

(3) This Act shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,

"the Code" means the Code of Criminal Procedure, ...

Power to arrest and detain suspected persons

3. (1). Any officer of Government authorised in this behalf by general or special order of the Government may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public - safety or peace, himself arrest such person without warrant, or may direct the arrest without warrant of such person, and in making such arrest, any means that may be necessary may be used.

(2) An arrest made by or on the direction of any officer under this section shall be reported forthwith to the Government by the officer so making or so directing the arrest as the case may be, and such officer may, by order in writing commit any person so arrested to such custody as the Government may, by general or special order, specify in this behalf:

Provided that no person shall, unless the Government by special order otherwise directs, be so detained in custody for a period exceeding fifteen days;

Provided further that no person shall be so detained in custody for a period exceeding two months.

4. (1) The Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace or in furtherance of a movement prejudicial to the public safety or peace, may, by order in writing, give any one

or more of the following directions, namely, that such person -

(a) shall not enter, reside or remain in any area specified in the order;

(b) shall reside or remain in any area specified in the order;

(c) shall remove himself from, and shall not return to, any area specified in the order;

(d) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

(2) An order made under sub-section (1) shall not, unless the Government by special order otherwise directs, remain in force for more than one month from the making thereof.

(3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

Penalty for disobeying order under Section.4.

5. Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of Section 4 shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

UNLAWFUL ASSOCIATIONS.

An emergent Act to confer special powers on Government and its Officers for the purpose of maintaining law and order.

Whereas an emergency has arisen which makes it necessary to confer special powers upon Government and its officers for the purpose of maintaining law and order

This is based on the Criminal Law Amendment Act 1908 & the Special Powers ordinance of 1932 Secs 58 to 63

Now therefore in exercise of the powers conferred by Section 12 of the Legislative Council Act, the Government are pleased to make and promulgate the following Emergent Act:-

Short title, extent and commencement.

1. This Act may be called the Special Powers Act, 1938.

Definitions.

2. (1) "association" means any combination or body of persons, whether the same be known by any distinctive name or not, and

(2) "unlawful association" means an association

(a) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, or

(b) which has been declared to be unlawful by the Government under the powers hereby conferred,

(3) "notified place" means a place which has been ~~declared~~ notified under Sec

Power to declare association unlawful.

3. If the Government is of opinion tha any association interferes or has for its obje interference with the administration of the la or with the maintenance of law and order, or that it constitutes a danger to the public pea the Government may, by notification in the Off cial Gazette, declare such association to be unlawful.

Sec 16(1) A. Act

Penalties.

4. (1) Whoever is a member of an unlawfu association, or takes part in meetings of any such association, or contributes or receives c solicits any contribution for the purpose of a such association, or in any way assists the op ration of any such association, shall be punis with imprisonment for a term which may extend six months, or with fine, or with both.

(2) Whoever manages or assists in the management of an unlawful associattion, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members, shall be punished with impriso ment for a term which may extend to ~~three~~ two years or with fine, or with both.

Continuance of association.

5. An association shall not be deemed to have ceased to exist by reason only of any form act of dissolution or change of title, but shal be deemed to continue so long as any actual combination, for the purpose of such associatio continues between any members thereof.

6. (a) The Government may by notificatior the Mysore Gazette notify any place which in

Power to notify and take possession of places used for the purposes of an unlawful association.

opinion is used for the purposes of an unlawful association.

(b) The District Magistrate, or any officer authorised in this behalf in writing by the District Magistrate, may, thereupon take possession of the notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking of possession to the Government.

(c) A notified place where possession is taken under sub-section (b) shall be deemed to remain in the possession of Government so long as the notification under sub-section (a) in respect thereof remains in force.

7. (1) The District Magistrate or officer taking possession of a notified place shall also take possession of all moveable property found therein, shall make a list thereof and submit it, with a report of the taking of possession of such moveable property to the Government.

(2) If, in the opinion of the Government, any articles specified in the list are or may be used for the purposes of the unlawful association, the Government may, by order in writing, declare such articles to be forfeited to His Highness and may give such directions for the disposal thereof as it may think fit.

(3) Any articles specified in the list which are not so forfeited may be delivered by the District Magistrate to any person whom he considers to be entitled to possession thereof, or may be retained in the possession of Government and used in such manner as the District Magistrate may direct.

Trespass upon notified places.

8. Any person who enters or remains upon

upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass, and, notwithstanding anything contained in the Code, any such offence of criminal trespass shall be cognizable and non-bailable.

The relinquishment of property.

9. Before this ~~Ordinance~~ Act ceases to have effect, or before a notification under sub-section (a) of section 6 is cancelled, the Government shall give such general or special directions as it may deem requisite regulating the relinquishment by Government of possession of notified places and of moveable property found thereon whereof possession has been retained under sub section (3) of section 7.

10. (1) Where the Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, declare such monies, securities or credits to be forfeited to His Highness.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy, such person shall pay or deliver the monies, securities or credits to the order of the Government.

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Where the Government has reason to believe that any person has custody of any monies

securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Government. A copy of ~~such~~ Such order shall be served upon the person to whom it is directed.

(4) The Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for monies and securities, and make inquiries from such persons, or any officer, agent or servant of such persons, touching the origin of and dealings in any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association

(5) A copy of an order under this section may be served in the manner provided in the Code for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office, or, where there is no registered office, at the place

where it carries on business.

(6) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-sect (3), such order of forfeiture shall have effec from the date of the prohibitory order, and th person to whom the prohibitory order was direc shall pay or deliver the whole of the monies, securities, or credits forfeited, to the ord of the Government.

(7) Where any person liable under this section to pay or deliver any monies, securit or credits to the order of the Governmen refuses or fails to comply with any direction the Government in this behalf, the Government may recover from such person, as arrears of land revenue or as a fine, the amount of such monies or credits or the market value of such securities.

(8) In this section, "security" means a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the market value of any security means the value as fixed by any officer or person deputed by the Government in this behalf.

make provision for

An Act to ~~consolidate and amend the Law relating to~~ the Prevention of Public Meetings likely to promote Sedition or to cause a Disturbance of Public Tranquillity.

Prevention of the
This is based on the Seditious Meetings Act 1 of 1911.

Whereas it is expedient to make provision for ~~consolidate~~ and ~~amend the law relating~~ for the prevention of public meetings likely to promote sedition or to cause a disturbance of public tranquillity:

It is hereby enacted as follows:--

Short title and extent.

1. This Act may be called the Prevention of Seditious Meetings Act, 193..

2. It extends to the whole of the Mysore ~~State~~ but shall have operation only in such parts of the State as the Government may from time to time notify in the Official ~~Mysore~~ Gazette.

Power of Government to notify proclaimed areas.

2.(1) The Government may, ~~by~~ by notification in the Official Gazette, declare the whole or any part of the State ~~(in which this Act is for the time being in operation,)~~ to be a proclaimed area

declared there means a new notification has been issued in force.

(2) A notification made under sub-section (1) shall not remain in force for more than six months; but nothing in this sub-section shall be deemed to prevent the Government from making any further notifications in respect of the same area from time to time as it may think fit.

Definitions.

3.(1) In this Act, the expression "public meeting~~s~~" means a meeting which is open to the public or any class or portion of the public.

(2) A meeting may be a public meeting notwithstanding

notwithstanding that it is held in a private place, and notwithstanding that admission thereto may have been restricted by ticket or otherwise.

Notice to be given of public meetings.

4. (1) No public meeting for the furtherance or discussion of any suoject likely to cause disturbance or public excitement, or for the exhibition or distribution of any writing or printed matter relating to any such subject, shall be held in any proclaimed area -

(a) unless written notice of the intention to hold such meeting and of the time and place of such meeting has been given to the District Magistrate ~~or the Inspector General of Police~~, ~~as the case may be,~~ at least three days previously; or

(b) unless permission to hold such meeting has been obtained in writing from the District Magistrate ~~or the Inspector General of Police, as the case may be.~~

Power of Magistrate to cause report to be taken.

(2) The District Magistrate or any Magistrate of the first class authorized by the District Magistrate in this behalf may, by order in writing, depute one or more Police officers not being below the rank of a Sub Inspector or other persons to - attend any such meeting for the purpose of causing a report to be taken of the proceedings.

Exception.

(3) Nothing in this section shall apply to any public meeting held under any statutory or other express legal authority or to any public meetings or class of public meetings exempted for that purpose by the Government by general or spe-

special order.

Power to prohibit public meetings.

5. The District Magistrate or ~~the Inspector~~ General of Police, ~~as the case may be~~, may at any time, by order in writing, of which public notice shall forthwith be given, prohibit any public meeting in a proclaimed area, if, in his opinion, such meeting is likely to promote sedition or disaffection, or to cause a disturbance of the public tranquillity.

6. (1) Any person concerned in the promotion or conduct of a public meeting held in a proclaimed area contrary to the provisions of Section 4, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Any public meeting which has been prohibited under Section 5 shall be deemed to be an unlawful assembly within the meaning of Chapter ..VIII.. of the Indian Penal Code as in force in Mysore and of Chapter .IX. of the Code of Criminal Procedure, ...

7. Whoever, in a proclaimed area, in a public place or a place of public resort, otherwise than at a public meeting held in accordance with, or exempted from, the provisions of Section 4, without the permission in writing of the Magistrate of the District or of the Inspector General of Police , as the case may be, previously obtained, delivers any lecture, address, or speech on any subject likely to cause disturbance or public excitement to persons then present, may be arrested without warrant

and shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

8. No Court inferior to that of a ..... ~~a~~ Magistrate ~~or of~~ a Magistrate of the first class or ~~Sub-divisional Magistrate~~ shall try any offence against this Act.

AN ACT TO GIVE THE GOVERNMENT CERTAIN POWERS WITH RESPECT TO FOREIGNERS.

This is based on the Foreigners Act 1864 (British Indian)

WHEREAS it is expedient to make provision to enable the Government to prevent the subjects of Foreign States from residing or sojourning in Mysore without the consent of the Government: It is enacted as follows:--

The word "foreigner" shall denote a person who is not ~~either a natural born or a domiciled~~ a subject of Mysore.

The words "the Magistrate of the District" shall denote the chief officer charged with the executive administration of a district, and exercising the powers of a Magistrate, by whatever designation the chief officer charged with the executive administration is styled, or, in the absence of such officer from the station at which his Court is usually held, the senior officer at the station exercising the powers of a Magistrate as defined in the Code of Criminal Procedure.

2. Proof of Being a Foreigner. If a question shall arise whether any person alleged to be a foreigner, and to be subject to the provisions of this Act, is a foreigner or not, or is or is not subject to the provisions of this Act, the onus of proving that such person is not a foreigner, or is not subject to the provisions of this Act, shall lie upon such

such person.

3. GOVERNMENT MAY ORDER FOREIGNER TO REMOVE HIMSELF. The Government may, by writing, order any foreigner to remove himself from Mysore, or to remove himself therefrom by a particular route to be specified in the order.

4. FOREIGNER MAY BE APPREHENDED AND DETAINED PENDING ORDER OF REMOVAL.

(1) Whenever the Magistrate of a District considers that the Government should be moved to issue an order under Section 3 in respect of any foreigner who is within the jurisdiction of such Magistrate, he may report the case to the Government and at the same time issue a warrant for the apprehension of such foreigner.

(2) Any Officer issuing a warrant under sub-section (1) may, in his discretion, direct by endorsement on the warrant that if such foreigner executes a bond with or without sureties for his attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(3) Any person executing a warrant under sub-section (1) may search for and apprehend the foreigner named in such warrant; and, subject to any direction issued under sub-section (2), shall forthwith cause such foreigner when appre-

apprehended to be produced before the officer issuing the warrant.

5. When a foreigner for whose apprehension a warrant has been issued under sub-section (1) of section 4 is produced or appears before the officer issuing such warrant, such officer may direct him to be detained in custody pending the orders of the Government, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

6. Any officer who has in accordance with the provisions of ~~sub~~-section (5) ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the Government. On the receipt of a report under this ~~sub~~-section, the Government shall without delay either direct that the foreigner be discharged or make an order for the removal of such foreigner in accordance with the provisions of section 3.....

7. FOREIGNERS REFUSING TO MOVE, OR RETURNING WITHOUT LICENSE AFTER REMOVAL, MAY BE APPREHENDED AND DETAINED. If any foreigner ordered to remove himself from Mysore, or ordered to remove himself therefrom by a particular route, shall neglect or refuse to do so, or

if any foreigner, having removed him-

himself from Mysore in consequence of an order issued under any of the provisions of this Act, or having been removed from Mysore under any of the said provisions, shall ~~xi~~ wilfully return thereto without ~~a license~~ permission in writing granted by the Government,

such foreigner may be apprehended and detained in safe custody, until he shall be discharged therefrom by order of the Government, upon such terms and conditions as the Government shall deem sufficient for the peace and security of Mysore.

8. LICENSE BY WHOM GRANTED: Licenses under this Act may be granted by the Government, under the signature of a Secretary to the Government or by such other officers as shall be specially authorized to grant licenses by the Government.

9. WHAT TO BE STATED IN LICENSE: Every such license shall state the name of the person to whom the license is granted, the nation to which he belongs, the district or districts through which he is authorized to ~~pass~~ reside, or the limits within which he is authorized to travel, and the period (if any) during which the license is intended to have effect.

10. LICENSE MAY BE GRANTED SUBJECT TO CONDITIONS: The license may be granted

subject to such conditions as the Government may direct, or as the officer granting the license may deem necessary.

11. AND MAY BE REVOKED: Any license may be revoked at any time by the Government or by the officer who granted the license.

12. The decision of the Government as to whether a person is foreigner or not shall be final.

13. PENALTY FOR OBSTRUCTING OFFICERS:

Whoever intentionally obstructs any officer in the exercise of any of the powers vested in him by this Act shall be held to have committed the offence specified in section 186 of the Indian Penal Code.

Whereas it is expedient to confer certain Spec
Powers upon Government and its Officers for the Pur
of maintaining law and order; It is hereby
enacted as follows :-

Chapter I

Preliminary

1. Hyderabad Public Safety Act 1953 —
(1) This Act may be called ~~The Special Powers Act 1953~~

(2) The Government may by notification in the Offic
Gazette from time to time apply all or any of t
Provisions of this Act to any local area in the
State for such period as may be specified in
the notification and may cancel or modify
such notification from time to time.

2. In this Act unless there is anything repugnant
in the subject or Context :—

(1) "the Code" means the Code of Criminal
Procedure 1904.

2) "association" means any Combination or bo
of persons, whether the same be known by
any distinctive name or not and

3) "unlawful association" means any associati

(i) which encourages or aids persons to Commi
acts of violence or intimidation or of which
the members habitually Commit such ...
or

(ii) which has ... as

by the Government under the powers hereby Conferred under this Act

(3) (3) "foreigner" shall denote a person who is not a subject of Nepal.

(4) (4) "notified Place" means a place which has been notified under Section 9

(5) (5) "Public meeting" means a meeting which open to the Public or any class or portion of the Public.

A meeting may be a Public meeting notwithstanding that it is held in a Private Place and notwithstanding that admission thereto may have been restricted by ticket or otherwise

Chapter II

Special Powers of arrest and detention

Whereas it is expedient to confer certain special powers upon Government and its officers for the purpose of maintaining law and order: It is hereby enacted as follows:—

Chapter I : Preliminary:

(1) This Act may be called the Special Powers Act 193—

(2) The Government may by notification in the Official Gazette, from time to time apply all or any of the provisions of this Act to any local area in the State for such period as may be specified in the notification and may cancel or modify the notification from time to time.

Definitions:

In this Act, unless there is anything repugnant in subject or context:—

"association" means .. (II: 2 (1))

"unlawful association" means (II: 2 (2))

"the Code" means. .. (I 2)

"notified Place" means (II 2 (3))

"Public meeting" means (III 3 (1) & (2))

"Foreigner" shall denote .. (IV ...)

Chapter II

Special powers ~~of arrest & detention~~

3 (I: 3)

4 (I 4)

Chapter III. unlawful Associations.

6. (II 3)

7 (II (4))

8 (II (5))

9 (II 6)

10 (II 7)

11 (II 8)

12 (II 9)

13 (II 10)

~~14~~ Chapter IV Prevention of Seditious and certain Public meetings

14: (III 2)

15 (III 4)

16 (III 5)

17 (III 6)

18 (III 7)

19 (III 8)

Chapter VI Provisions regarding Injunctions

23 (IV 2)
24 (IV 3)
25 (IV 4)
26 (IV 5)
27 (IV 6
28 (IV 7)
29 (IV 8)
30 (IV 9)
31 (IV 10)
32 (IV 11)
33 (IV 12)
34 (IV 13)

Chapter V Provisions against certain forms of ~~relating to mobs~~ and ~~mobs~~ ~~nuisance~~ & incitement

20 7
21 9
22 10

Whereas it is expedient to supplement the Criminal Law for the purposes hereinafter appearing; it is hereby enacted as follows:-

Chapter I.

Preliminary.

Short title (Bengal Act XXII of 1932)

1.(1) This Act may be called the Mysore Public ~~Safety~~ Security Act, 193

Extent.

(2) The Government may, by notification in the official Gazette, from time to time, apply all or any of the provisions of this Act to ~~any local area in~~ the whole or any part of the State ~~for such period as may be specified in the Notification~~ and may cancel or modify such notification from time to time.

2. In this Act unless there is anything repugnant in the subject or context

(1) "the Code" means the Code of Criminal Procedure, 1904;

(2) (a) "association" means any combination or body of persons, whether the same be known by any distinctive name or not, and

(b) "unlawful association" means an association,-

(i) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, or

(ii) which has been declared to be unlawful by the Government under the powers ~~hereby~~ conferred under this Act;

(3) "foreigner" shall denote a person who is not a subject of ~~Eyscre,~~ natural born His Majesty ~~either by birth or domicile~~ or who has not acquired domicil in the State by residence therein for not less than five years;

(Naturalisation Act I immediately preceding the date when the question of his status arises coupled with the intention to reside therein permanently.)

(4) "notified place" means a place which has been notified under ~~Section~~ 8;

(5) (i) "public meeting" means a meeting which is open to the public or any class or portion of the public.

(Prevention of Seditious Meetings Act X of 1911 Section 3)

(ii) A meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise.

CHAPTER II.

Special Powers of arrest and detention.

etain suspected persons.

3.(1) Any officer of the Government, authorised in this behalf, by general or special order of the Government may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace, himself arrest such person without warrant, or may direct the arrest without warrant of such person, and in making such arrest, ~~any~~

~~Section 3(1) of Special Powers Ordinance X of 1932.~~
~~Bengal Act XXII of 1932~~ & Bombay Act XVI of 1932
See 2 of the Criminal Law Amendment Act Punjab.

powers and means which may be necessary or use in making the arrest with or without warrant under ~~The Code means that may be necessary may be~~ exercised and used.
may use any means that may be necessary to effect the arrest.

(2) An arrest made by or on the direction of any officer under this section shall be reported forthwith to the Government by the officer so making or so directing the arrest, as the case may be, and such officer may, by order in writing commit any person so arrested to such custody as the Government may, by general or special order, specify in this behalf:

~~Section 3(2) of Ordinance X of 1932.~~
Bombay Act XVI
Bengal Act XX4 of 1932

Provided that no person shall, unless the Government by special order otherwise directs, be so detained in custody for a period exceeding fifteen days;

Provided further that no person shall be so detained in custody for a period exceeding two months.

✓ 4.(1) The Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace or in furtherance of a movement prejudicial to the public safety or peace, may, by order in writing, give any one or more of the following directions, namely, that such person,-

~~Section 4 of ordinance X of 1932.~~
Sec 3 of Law Amendment Act Punjab.
Bengal Act XXII of 1932

(a) shall not enter, reside or remain in any area specified in the order;

(b) shall reside or remain in any area

specified in the order;

(c) shall remove himself from, and shall not return to, any area specified in the orde

(d) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

(2) An order made under sub-section (1) shall not, unless the Government by special order otherwise directs, remain in force for more tha one month from the making thereof.

(3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

Power to prohibit or regulate traffic.

(Bombay Act, XVI of 1932, Sec.6)

5. The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think necessary in the interests of the public safety or peace, traffic over an road, pathway, bridge, waterway or ferry.

Power to secure reports of public meetings.

(Bombay Act, XVI of 1932, Sec.10)

6. The District Magistrate, if, in his opinion, it is necessary in the interests of t public safety or peace, may, by order in writi depute one or more police officers not below the rank of ~~head~~ sub inspector, or other persons, to attend any public meeting for the purpose of causing a report to be made of the proceedings, and may, by such order, authorize the persons so deputed to take with them an escort of police officers.

Power to issue search warrants.

(Bombay Act, XVI of 1932, Section 11)

7. The power to issue search-warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorizing -

(a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Act or an act prejudicial to the public safety or peace has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made;

(b) the seizure in or on any place search under clause (a) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

Power to give effect to orders if disobeyed.

Bombay Act, XVI of 1932, Sec. 13)

9. (1) If any person disobeys or neglects comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction or prescribe the condition may take or cause to be taken suc action as it thinks necessary to give effect thereto.

(2) No claim for compensation may be lodge for loss or damage caused in any case where actio has been taken under sub-section (1).

Dissemination of contents of proscribed document.

Act XXIII of 1932, Sec.5)

9. Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been declared forfeited to the Government under any law for time being in force shall be punished with imprisonment for a term which may extend to six months, or with fine or with both.

Penalty for disobeying order under Sec.4

Criminal Law Amendment Act, II of 1935, Sec.5)

10. Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of section 4 shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

CHAPTER III.

Unlawful Association.

If the Government is of opinion that ociation interferes or has for its ...ject... interference with the administration

tion of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the Government may, by notification in the Official Gazette, declare such association to be unlawful.

(Section 16(1) of Criminal Law Amendment Act XIV of 1908).

Penalties.

/2.(1) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operation of any such association, shall be punished with imprisonment for a term which may extent to six months, or with f r with both.

(Section 17(1) of Act XIV of 1908).

(2) Whoever manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

(Section 17(2) of Act X of 1908).

Continuance of association.

/3. An association shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof.

(Section 18 of Act XIV of 1908).

(Section 17-A(1) of Act XIV of 1908 ~~and Section 59(1) of ordinance X of 1932.~~) and Section 13 of the Criminal Law Amendment Act XXIII of 1932

Power to notify and take possession of places used for the purposes of an unlawful association.

14. (1) The Government may, by notification in the ~~Mysore~~ Official Gazette, notify any place which in its opinion is used for the purposes of an unlawful association.

(Section 17-A(2) of Act XIV of 1908 and Section ~~59(2) of ordinance X of 1932.~~) 13 of Act XXIII of 1932

(2) The District Magistrate, or any officer authorised in this behalf in writing by the District Magistrate, may thereupon take possession of the notified place and evict therefrom any person found there in, and shall forthwith make a report of the taking of possession to the Government

Provided where such place contains any apartment occupied by women or children reasonable facilities shall be afforded for their withdrawal with the least possible inconvenience

(Section 17-A(3) of Act XIV of 1908 and Section ~~59(3)~~ 13 of Act XXIII of 1932 ~~ordinance X~~ of 1932).

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of the Government so long as the notification under sub-section (1) in respect thereof remains in force.

Moveable property found in a notified place.

15. (1) The District Magistrate or other officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof and submit it, with a report of the taking of possession of such moveable property, to the Government.

(Section ~~60(1 to 3) of ordinance X~~ of 1932 and Section 17-B(1 to 3) of Act XIV of 1908 (slightly modified). Sec 13 of Act XXIII

(2) If, in the opinion of the Government, any articles specified in the list are or may be used for the purpose of the unlawful association, the Government may, by order in writing, declare such articles

to be forfeited to ~~His Highness the Maharaja~~ and may give such directions for the disposal thereof as it may think fit.

(3) ~~Any~~ articles specified in the list which are not so forfeited ~~may~~ be delivered by the District Magistrate to ~~any~~ person whom he considers to be entitled to possession thereof, or ~~may be retained in the possession of Government and used~~ in such manner as the District Magistrate may direct.

16. Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass, and, notwithstanding anything contained in the Code any such offence of criminal trespass shall be cognizable and non-bailable.

(Section ~~61 of ordinance X~~ of 1932 and Section 17-C of Act XIV of 1908)

17. Before a notification under sub-section (1) of section 9 is cancelled, the Government shall give such general or special directions as it may deem requisite regulating the relinquishment by Government of possession of notified places ~~and of moveable property found thereon whereof possession has been retained under sub-section (3) of section~~

The relinquishment of property.

(Section ~~62 of ordinance X~~ of 1932 and Section 17-D of Act XIV of 1908).

Power to forfeit funds of an unlawful association.

13 of Act XXIV

(Section ~~63 (1) of ordinance X~~ of 1932 and Section 17-E(1) of Act XIV of 1908).

18. (1) Where the Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association the Government may, by order in writing, declare such monies, securities or credits to be forfeited to ~~His Highness the Maharaja~~ the Government.

13 of Act XXIII

(Section ~~63(2) of ordinance X~~ of 1932 and Section 17-E(2) of Act XIV of 1908).

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy, such person shall pay or deliver the monies, securities or credits to the order of the Government.

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

13 of Act XXIV

(Section ~~63(3) of ordinance X~~ of 1932 and Section 17-E(5) of Act XIV of 1908)

(3) Where the Government has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, prohibit such person from paying, delivering

transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Government. A copy of such order shall be served upon the person to whom it is directed.

(4) The Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directe examine the books of such person, search for monies and securities, and make inquiries from such persons, or any officer, agent or servant of such persons, touching the origin of and dealings in any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

13 Art XXIII 2

(Section ~~63(4) of ordinance X of~~ 1932 and Section 17-E(6) of Act XIV of 1908).

(5) A copy of an order under this section may be served in the manner provided in the Code for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its

[illegible] 1932 and Section 17-E(6) of Act XIV of 1908).

registered office, or where there is no registered office, at the place where it carries on business.

13 of Act XXIII

(Section ~~63(6) of ordinance~~ of 1932 and Section 17-E(8) of Act XIV of 1908)

(6) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities, or credits forfeited, to the order of the Government.

13 of Act XXIII

(Section ~~63(7) of ordinance~~ of 1932 and Section 17-E(9) of Act XIV of 1908)

(7) Where any person liable under this section to pay or deliver any monies, securities, or credits to the order of the Government, refuses or fails to comply with any direction of the Government in this behalf, the Government may recover from such person, as arrears of land revenue or as a fine, the amount of such monies or credits or the market value of such securities.

13 of Act XXIII

(Section ~~63(8) of ordinance~~ of 1932 and Section 17-E(10) of Act XIV of 1908).

(8) In this section, "security" means a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the market value or any security means the

value as fixed by any officer or person deputed by the Government in this behalf.

CHAPTER IV.

Prevention of seditious and certain other Public meetings.

Power of Government to notify proclaimed area.

19. (1) The Government may, by notification in the official Gazette, declare the whole or any part of the State to be a proclaimed area.

(Section 2 of the Prevention of Seditious Meetings Act X of 1911).

(2) Proclaimed area means the area where the notification under sub-section (1) is in force.

(3) A notification made under sub-section (1) shall not remain in force for more than six months; but nothing in this sub-section shall be deemed to prevent the Government from making any further notifications in respect of the same area from time to time as it may think fit.

20. (1) No public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement, or for the exhibition or distribution of any writing or printed matter relating to any such subject, shall be held in any proclaimed area,-

(a) unless written notice of the intention to hold such meeting and of the

the time and place of such meeting has been given to the District Magistrate at least three days previously; or

(b) unless permission to hold such meeting has been obtained in writing from the District Magistrate.

Power of Magistrate to cause report to be taken.

(Section 4(2) of Act X of 1911.

(2) The District Magistrate or any Magistrate of the first class authorised by the District Magistrate in this behalf may, by order in writing, depute one or more Police Officers not being below the rank of a Sub Inspector or other persons to attend any such meeting for the purpose of causing a report to be taken of the proceedings.

Exception.

(Section 4(3) of Act X of 1911)

(2) Nothing in this section shall apply to any public meeting held under any statutory or other express legal authority or to any public meetings or class of public meetings exempted for that purpose by the Government by general or special order.

Power to prohibit public meetings.

(Section 5 of Act X of 1911).

16. The District Magistrate may at any time, by order in writing, of which public notice shall forthwith be given, prohibit any public meeting in a proclaimed area, if, in his opinion, such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquility.

Penalties.

(Section 6(1) of Act X of 1911).

~~17~~. (1) Any person concerned in the promotion or conduct of a public meeting held in a proclaimed area contrary to the provisions of Section 15 shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(Section 6(2) of Act X of 1911).

(2) Any public meeting which has been prohibited under Section 15 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Indian Penal Code, as in force in Mysore and of Chapter IX of the Code.

Penalty for delivery of of speeches in public places.

(Section 7 of Act X of 1911).

23
~~18~~. Whoever, in a proclaimed area, in a public place or a place of public resort otherwise than at a public meeting held in accordance with, or exempted from, the provisions of Section 15, without the permission in writing of the District Magistrate ~~(or of the Inspector-General of Police, as the case may be,)~~ previously obtained, delivers any lecture, address, or speech on any subject likely to cause disturbance or public excitement to persons then present, may be arrested without warrant and shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

CHAPTER V.

Provisions against certain forms of intimidation.

- - - - -

Molesting a person to prejudice of employment or business.

(Section 7 of the Criminal Law Amendment Act XXIII of 1932).

24
~~19.~~ (1) Whoever,-

(a) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place or interferes with any property owned or used by him or hinders him in the use thereof, or

(b) loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Explanation: Encouragement of indigenous industries or advocacy of temperance without the ~~commission~~ commission of any

of the acts prohibited by this section is not an offence under this section.

(2) No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of ~~of-~~ an Asst. Inspector ~~ficer in charge of a police station~~.

25.

Procedure in offences under the Act.

~~20~~. Notwithstanding anything contained in the Code,-

(Section 2 of Act XXIII of 1932)

~~(i)~~ an offence punishable under ~~S~~ection 19 shall be cognizable by the police; and

~~(ii) an offence punishable under~~ s~~ection 19~~ shall be non-bailable.

Power to ~~Local~~ Government to make certain offences cognizable and non-bailable.

2~~1~~. (1) The ~~Local~~ Government may, by notification in the ~~Local~~ Official Gazette, declare that any offence punishable under sections 186, 188, 189, 190, 228, 298, 505, 506 or 507 of the Indian Penal Code, as in force in Mysore, when committed in any area specified in the notification shall, notwithstanding anything contained in the Code be cognizable, and thereupon the Code shall, while such notification remains in force, be deemed to be amended accordingly.

(Section 10 of Act XXIII of 1932).

(2) The ~~Local~~ Government may, in like manner and subject to the like conditions, and with the like effect declare that an offence punishable under section 188 or section 506 of the Indian Penal Code, as in force in Mysore, shall be non-bailable

CHAPTER VI

Provisions against instigation to the illegal refusal of the payment of certain liabilities.

Powers to declare notified areas and notified liabilities.

(Punjab Criminal Law Amendment Act, II of 1935, Sec.10)

27. (1) The Government may by notification in the official gazette declare that the whole or any part of the State shall be a notified area for the purposes of this Chapter.

(2) The Government may further, by the same or by subsequent notification, declare that in such notified area, land revenue or any sum recoverable as arrears of land revenue, or any tax, rate, cess or other due or amount payable to Government or to any local authority, or rent of agricultural land, or anything recoverable as arrears of or along with such rent, shall be a notified liability.

Punishment for unlawful instigation to the non-payment of notified liability.

(Punjab Criminal Law Amendment Act, II of 1935, Sec.11)

28 Whoever by words, either spoken or written, or by signs or by visible representations or otherwise, instigates, expressly or by implication any person or class of persons not to pay or to defer payment of any notified liability or whoever does any act with intent, or knowing it to be likely that any words, signs, or visible representations containing such instigation, shall thereby be communicated directly or indirectly to any person or class of persons, in any manner whatsoever, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Explanation. - Comments made in good faith expressing disapprobation of the incidence, rate or amount of a notified liability, without instigating refusal to pay such liability, but with a view to securing by lawful means a temporary or permanent remission or reduction thereof shall not constitute an offence under this section.

Provisions against instigation to the illeg
refusal of the payment of certain
liabilities.

The Government may by notification in the
official gazette declare that the whole or any
part of the State shall be a notified area for
purposes of this Chapter.

(2) The Government may further, by the same
or by subsequent notification, declare that in any
notified area, land revenue or any sum recovera
as arrears of land revenue, or any taxy rate, cess
or other due or amount payable to Governmen
or to any local authority, or rent of agricultura
land, or anything recoverable as arrears of or
along with such rent, shall be a notified liabili

however by words, either spoken or written
or by signs or by visible representations or
otherwise, instigates, expressly or by implicatio
any person or class of persons not to pay or to
defer payment of any notified liability or whoeve
does any act with intent, or knowing it to be lik
that any words, signs, or visible representation
containing such instigation shall thereby be
communicated directly or indirectly to any person
or class of persons, in any manner whatsoever, shall

Punjab Criminal Law
Amendment Act, II
of 1935, Sec.10)

lowers to declare
otified areas and
otified liabilities

Power to collect an arrear of a notified liability as an arrear of land revenue.

(Punjab Cr. Law Amendment Act, II of 1935, Sec.12)

29 (1) Any person to whom an arrear of a notified liability is due, may apply in writing to the Deputy Commissioner to realize it, and the Deputy Commissioner may, after satisfying himself that the amount claimed is due, proceed to recover it as an arrear of land revenue, in accordance with the law applicable to the recovery of arrears of land revenue in the area concerned.

(2) Nothing in this section shall prevent any person, to whom an arrear of a notified liability is due, from recovering it in accordanc with the law applicable to the recovery of such arrear.

(3) Any person from whom an amount has been recovered under this section in excess of the amount due from him, may recover such excess in accordance with law from the person on whose behalf the Deputy Commissioner has realized it.

Special rule of procedure.

(Punjab Criminal Law Amendment Act, II of 1935, Sec.13)

30. No Magistrate shall take cognizance of an offence punishable under this Chapter, except upon a report in writing of facts, which constitu such offence, made by a police officer not below the rank of Sub-Inspector.

(1) Any person to whom an arrear of a
notified liability is due, may apply in writing
to the Deputy Commissioner to realize it, and the
Deputy Commissioner may, after satisfying
himself that the amount claimed is due, proceed
to recover it as an arrear of land revenue
in accordance with the law applicable to the
recovery of arrears of land revenue within
concerned

(2) Nothing in this section shall prevent
any person, to whom an arrear of a notified
liability is due, from recovering it in accordance
with the law applicable to the recovery of such
arrear.

Any person from whom an amount has be
recovered under this section in excess of the
amount due from him, may recover such excess
in accordance with law from the person on whose
behalf the Deputy Commissioner has realized it

No Magistrate shall take cognizance of
offence punishable under this Chapter, except
upon a report in writing of facts, which const
such offence, made by a police officer not bel
the rank of Sub-Inspector

~~section 506 of the Indian Penal Code~~ as in force in ~~Mysore shall be non-bailable~~.

CHAPTER VII.

Provisions relating to Foreigners.

- - - - -

Proof of being a Foreigner.

(Section 2, of the Foreigners Act III of 1864.

3/ ~~22~~. If a question shall arise whether any person alleged to be a foreigner, and to be subject to the provisions of this Act, is a foreigner or not, or is or is not subject to the provisions of this Act, the onus of proving that such person is not a foreigner, or is not subject to the provisions of this Act, shall lie upon such person.

Government may order Foreigner to remove himself.

(Section 3 of Act III of 1864.)

32 ~~23~~. The Government may, by writing, order any foreigner to remove himself from Mysore, or to remove himself therefrom by a particular route to be specified in the order.

Foreigner may be apprehended and detained pending order of removal.

(Section 3-A (1 to 3) of Act III of 1864.)

33 ~~24~~.(1) Whenever a District Magistrate considers that the Government should be moved to issue an order under section 23 in respect of any foreigner who is within the jurisdiction of such Magistrate, he may report the case to the Government and at the same time issue a warrant for the apprehension of such foreigner.

The Magistrate

(2) ~~Any officer~~ issuing a warrant under sub-section (1) may, in his discretion, direct by endorsement on the warrant that

if such foreigner executes a bond with or without sureties for his attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(3) Any person executing a warrant under sub-section (1) may search for and apprehend the foreigner named in such warrant; and, subject to any direction issued under sub-section (2), shall forthwith cause such foreigner when apprehended to be produced before the ~~officer~~ Magistrate issuing the warrant.

(4) ~~27~~. When a foreigner for whose apprehension a warrant has been issued under sub-section (1) ~~of section 24~~ is produced or appears before the ~~officer~~ Magistrate issuing such warrant, such ~~officer~~ Magistrate may direct him to be detained in custody pending the orders of the Government, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

(Section 3-A(4) of Act III of 1864.)

(5) ~~28~~. Any ~~officer~~ Magistrate who has in accordance with the provisions of ~~section 25~~ sub-section (4) ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the Government. On the receipt of a report under this section, the

Section 3-A(5) of Act III of 1864).

Government shall without delay either direct that the foreigner be discharged or make an order for the removal of such foreigner in accordance with the provisions of section 23.

Foreigner refusing to move or returning after removal may be apprehended and detained.

(Section 4 of Act III of 1864.

34 ~~27~~. If any foreigner ordered to remove himself from Mysore, or ordered to remove himself therefrom by a particular route, shall neglect or refuse to do so, or

If any foreigner, having removed himself from Mysore in consequence of an order issued under any of the provisions of this Chapter, of having been removed from Mysore under any of the said provisions, shall wilfully return thereto, without permission in writing granted by the Govt,

such foreigner may be apprehended and detained in safe custody, ~~until he shall be discharged therefrom by order of the Government,~~ and the Govt. may direct his discharge upon such terms and conditions as the Government shall deem sufficient ~~for the peace and security of Mysore.~~ or cause him to be removed from the State in such manner as it shall think fit.

(new)

35 ~~28~~. The Decision of the Government as to whether a person is a foreigner or not shall be final.

CHAPTER VII.

Supplemental.

obstructing officers. (Section 5 of Act III of 1864)

36 ~~29~~. Whoever intentionally obstructs any officer in the exercise of any of the powers vested in him by this Act shall be

shall be held to have committed the offence specified in section 186 of the Indian Penal Code as in force in Mysore.

Cognizance of offence.
(Sec.8 of Act X of 1911)

37 ~~30~~. No court inferior to that of a Magistrate of the first class shall try any offence against this Act.

Jurisdiction barred.

(Bombay Act, XVI of 1932, Sec.29)

38 ~~31~~. Except as provided in this Act, no proceeding or order taken or made or purporting to be taken or made or deemed to have been so taken or made under this Act, shall be called in question by any court, and no civil or criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under this Act.

WHEREAS it is expedient to supplement the Criminal Law for the purpose hereinafter appearing; it is hereby enacted as follows:-

CHAPTER I.

Preliminary.

(Bengal Act XXII of 1932)

1.(1) This Act may be called the Mysore Public Security Act, 193

(2) The Government may, by Notification in the Official Gazette, from time to time, apply all or any of the provisions of this Act to the whole or any part of the State and may cancel or modify such notification from time to time.

2. In this Act unless there is anything repugnant in the subject or context:-

(1) "the Code" means the Code of Criminal Procedure 1904;

(2) (a) "association" means any combination or body of persons, whether the same be known by any distinctive name or not, and

(b) "unlawful association" means an association,-

(i) which encourages or aids persons to commit acts of violence or intimidation or the members which habitually commit such acts, or

(ii) which has been declared to be unlawful by the Government under the powers conferred under this Act;

(Naturalisation Act).

(3) "foreigner" shall denote a person who is not a natural born subject of His Highness, the Maharaja or who has not acquired domicil in the State by residence therein for not less than five years immediately preceding the date when the question of his status arises coupled with the intention to reside therein permanently.

2. (1)

(4) "notified place" means a place which has been notified under Section 9

(Prevention of Seditious meetings Act X of 1911 Section 3).

(i)

(5) "public meeting" means a meeting which is open to the public or any class or portion of the public.

(ii) A meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise.

CHAPTER II.

Special powers of arrest and detention.

Bengal Act XXII of and Bombay Act XVI of 1932 Section 2 of the Criminal Law Amendment Act, Punjab.

3. (1) Any officer of the Government, authorised in this behalf, by general or special order of the Government may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace, himself arrest such person without warrant, or may direct the arrest without warrant of such person, and in making such arrest, may use any means that may be necessary to effect the arrest.

Bombay Act XVI of 1932.

(2) An arrest made by or on the direction of any officer under this section shall be reported forthwith to the Government by the officer so making or so directing the arrest, as the case may be, and such officer may, by order in writing commit any person so arrested to such custody as the Government may, by genera or special order, specify in this behalf;

Provided that no person shall, unless the Government by special order otherwise directs, be so detained in custody for a period exceeding fifteen days;

Provided further that no person shall be so detained in custody for a period exceeding two months.

4. (1) The Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace or in furtherance of a movement prejudicial to the public safety or peace, may, by order in writing, give any one or more of the following directions, namely, that such person

Law Amendment Act Punjab, Bengal Act XXII of 1932.

(a) shall not enter, reside or remain in any area specified in the order;

(b) shall reside or remain in any area specified in the order;

(c) shall remove himself from, and shall not return to, any area specified in the order;

(d) shall conduct himself in such manner, abstain from such acts, or take such ~~manner~~ order with any property in his possession

or

or under his control, as may be specified in the order.

(2) An order made under sub-section (1) shall not, unless the Government by special order otherwise directs, remain in force for more than one month from the making thereof.

(3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

5. The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think necessary in the interests of the public safety or peace, traffic over any road pathway, bridge, waterway or ferry.

Power to secure reports of public meetings.

(Bombay Act.XVI of 1932,Section10).

6. The District Magistrate, if, in his opinion, it is necessary in the interests of the public safety or peace, may, by order in writing, depute one or more police officers not below the rank of sub inspector, or other persons, to attend any public meeting for the purpose of causing a report to be made of the proceedings, and may, by such order, authorise the persons so deputed to take with them an escort of police officers.

Power to issue search warrants.

(Bombay Act, XVI of 1932, Section 11)

7. The power to issue search-warrants conferred by Section 98 of the Code shall be deemed to include a power to issue warrants authorising -

(a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the public safety

safety or peace has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made;

(b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized under this section.

Dissemination of contents of proscribed document.

(Act XXIII of 1932, Section 5)

8. Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been declared forfeited to the Government under any law for the time being in force shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

Power to give effect to orders if disobeyed.

Bombay Act, XVI of 1932, Section 13)

9. (1) If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction or prescribed the condition may take or cause to be taken such action as it thinks necessary to give effect thereto.

(2)

(2) No claim for compensation may be lodged for loss or damage caused in any case where action has been taken under sub-section (1).

Penalty for disobeying order under Section 4.

(Criminal Law Amendment Act, II of 1935, Sec.5).

10. Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of section 4 shall be punishable with imprisonment which may extend or two years, or with fine, or with both.

CHAPTER III.

Unlawful Association.

Power to declare association unlawful.

(Section 16 (1) of Criminal Law Amendment Act XIV of 1908).

11. If the Government is of opinion that any association interferes or has for its object interference with the administr tion of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the Government may, by notification in the official Gazette, declare such association to be unlawful.

Penalties.

(Section 17 (1) of Act XIV of 1908)

12. (1) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contribution ~~xxxxxxxxxxxxxxxxxx~~ or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term which may extend

extend to six months, or with fine, or with both.

(2) Whoever manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

(Section 17(2) of Act XIV of 1908).

Continuance of Association.

(Section 18 of Act XIV of 1908).

13. An association shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof.

Power to notify and take possession of places used for the purposes of an unlawful association.

(Section 17-a(1) of Act XIV of 1908 and Section 13 of the Criminal Law Amendment Act XXIII of 1932.)

14. (1) The Government may, by notification in the Official Gazette, notify any place which in its opinion is used for the purposes of an unlawful association.

(Section 17-A(2) of Act XIV of 1908 and Section 13 of Act XXIII of 1932.)

(2) The District Magistrate, or any officer authorised in this behalf in writing by the District Magistrate, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking of possession to the Government;

Provided where such place contains any apartment occupied by women and children

children, reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

(Section 17-A(3) of Act XIV of 1908 and Section 13 of Act XXIII of 1932).

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of the Government so long as the notificati under sub-section (1) in respect thereof remains in force.

Moveable property found in a notified place.

(Section 13 of Act XXIII of 1932 and Section 17-B(1 to 3) of Act XIV of 1908 (slightly modified).

15.(1) The District Magistrate or other officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof and submit it, with a report of the taking of possession of such moveable property, to the Government.

(2) If, in the opinion of the Government, any articles specified in the list are or may be used for the purpose of the unlawful association, the Government may, by order in writing, declare such articles to be forfeited to the Government and may give such directions for the disposal thereof as it may think fit.

(3) All other articles specified in the list which are not so forfeited shall be delivered by the District Magistrate to the person whom he considers to be entitled to possession thereof, or if no such person is found shall be disposed of in such manner as the District Magistrate may direct.

Tresspass upon notified places.

(Section 13 of Act XXIII of 1932 and Section 17-C of Act XIV of 1908).

16. Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass, and, notwithstanding anything containe in the Code any such offence of criminal tresspass shall oe cognisable and non-bailable.

The relinquishment of property.

Reject ... section 14 ...

(Section 13 of Act XXIII of 1932 and section 17-B of Act XIV of 1908)

17. Before a notification under sub-section (1) of section 9 is cancelled, the Government shall give such general or special directions as it may deem requisite regulating the relinquishment by the Government of possession of notified places.

Power to forfeit funds of an unlawful association.

18. (1) Where the Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association the Government may, by order in writing, declare such monies, securities or credits to be forfeited to the Government.

(Section 13 of Act XXIII of 1932 and Section 17-E(1) of Act XIV of 1908).

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy, such person shall pay or deliver the monies, securities or credits to the order of the Government.

(Section 13 of Act XXIII of 1932 and Section 17-E(2) of Act XIV of 1908)

Is it correct ?

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Where the Government has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, prohibit such person from paying, delivering transferring or otherwise dealing in any manner whatsoever with the same, save in

(Section 13 of Act of 1932 and Secti of Act XIV of 190

accordance with the written orders of the Government. A copy of such order shall be served upon the person to whom it is directed.

(4) The Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed examine the books of such person, search for monies and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of and dealings in any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

Section 13 of Act XXIII of 1932 and Section 17-E(6) of Act XIV of 1908).

(5) A copy of an order under this section may be served in the manner provided in the Code for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office, or where there is no registered office, at the place where it carries on business.

(Section 13 of Act XXIII of 1932 and Section 17-E(7) of Act XIV of 1908).

(Section 13 of Act XXIII of 1932 and Section 17-E(8) of Act XIV of 1908).

(6) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-section (3), suchb order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities, or credits forfeited, to the order of the Government.

(Section 13 of Act XXIII of 1932 and Section 17-E(9) of Act XIV of 1908).

(7) Where any person liable under this section to pay or deliver any monies, securities, or credits to the order of the Government, refuses or fails to comply with any direction of the Government in this behalf, the Government may recover from such person, as arrears of land revenue or as a fine, the amount of such monies or credits or the market value of such securities.

(Section 13 of Act XXIII of 1932 and Section 17-E(10) of Act XIV of 1908).

(8) In this section, "security" means a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the market value of any security means the value as fixed by any officer or person deputed by the Government in this behalf.

CHAPTER IV.

Prevention of seditious and certain other Public meetings.

Power of Government to notify proclaimed area.

19(1) The Government may, by notification in the official Gazette, declare the whole or any part of the State to be a proclaimed area.

(2) A notification made under sub-section (1) shall not remain in force for more than six months; but nothing in this sub-section shall be deemed to prevent the Government from making any further notification in respect of the same area from time to time as it may think fit.

Notice to be given of public meetings.

(Section 4(1) of Act X of 1911)

20.(1) No public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement, or for the exhibition or distribution of any writing or printed matter relating to any such subject, shall be held in any proclaimed area,-

(a) Unless written notice of the intention to hold such meeting and of the time and place of such meeting has been given to the District Magistrate at least three days previously; or

(b) Unless permission to hold such meeting has been obtained in writing from the District Magistrate.

Exception.

(Section 4(3) of Act X of 1911)

(2) Nothing in this section shall apply to any public meeting held under any statutory or other express legal authority or to any public meetings or class of public meetings exempted for that purpose by the Government by general or special order.

Power to prohibit public meetings.

(Section 5 of Act X of 1911)

21. The District Magistrate, may at any time, by order in writing, of which public notice shall forthwith be given, prohibit any public meeting in a proclaimed area, if, in his opinion, such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquility.

Penalties.

(Section 6(1) of Act X of 1911)

22.(1) Any person concerned in the promotion or conduct of a public meeting held in a proclaimed area contrary to the provisions of section 15 shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(Section 6(2) of Act X of 1911)

(2) Any public meeting which has been prohibited under section 15 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Indian Penal Code, as in force in Mysore, and of Chapter IX of the Code.

Why chapter IX ?

Penalty for delivery of speeches in public places.

(Section 7 of Act X of 1911)

23. Whoever, in a proclaimed area, in a public place or a place of public resort, otherwise than at a public meeting held in accordance with, or exempted from, the provisions of section 15, without the permission in writing of the District Magistrate, previously obtained, delivers any lecture, address, or speech on any subject likely to cause disturbance or public excitement to persons then present, may be arrested without warrant and shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

CHAPTER V.

Provisions against certain forms of intimidation.

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Molesting a person to prejudice of employment or business.

(Section 7 of the Criminal Law Amendment Act XXIII of 1932).

24. (1) Whoever, -

(a) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place or interferes with any property owned or used by him or hinders him in the use thereof, or

(b) loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Explanation: Encouragement of indigenous industries or advocacy of temperance without the commission of any of the acts prohibited by this section is not an offenc under this section.

(2) No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of a Sub Inspector.

Procedure in offences under the Act.

(Section 12 of Act XXIII of 1932)

25. Notwithstanding anything contained in the Code, -

an offence punishable under section 24 shall be cognizable by the police and shall be non-bailable.

Power to Government to make certain offences cognizable and non-bailable.

(Section 10 of Act XXIII of 1932).

26. (1) The Government may, by notification in the Official Gazette, declar that any offence punishable under sections 186, 188, 190, 228, 298, 505, 506 or 507 of the Indian Penal Code, as in force in Mysore when committed in any area specified in the notification shall, notwithstanding anything contained in the Code be cognizable, and thereupon the Code shall, while such notification remains in force, be deemed to be amended accordingly.

(2) The Government may, in like manner and subject to the like conditions, and with the like effect declare that an offence punishable under section 188 or section 506 of the Indian Penal Code as in force in Mysore, shall be non-bailable.

CHAPTER VI.

Provisions against instigation to the illegal refusal of the payment of certain liabilities.

27. (1) The Government may by notification in the official gazette declare that the whole or any part of the State shall be

a notified area for the purposes of this Chapter.

(1) The Government may further, by the same or by subsequent notification, declare that in such notified area, land revenue or any sum recoverable as arrears of land revenue, or any tax, rate, cess or other due or amount payable to Government or to any local authority, or rent of agricultural land, or anything recoverable as arrears of or along with such rent, shall be a notified liability.

Punishment for unlawful-instigation to the non-payment of notified liability.

(Punjab Criminal Law amendment Act II of 1935 Section 11)

28. Whoever by words, either spoken or written, or by signs or by visible representations or otherwise, instigates, expressly or by implication any person or class of persons not to pay or to defer payment of any notified liability or whoever does any act with intent, or knowing it to be likely that any words, signs, or visible representations containing such instigation, shall thereby be communicated directly or indirectly to any person or class of persons, in any manner whatsoever shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Explanation. - Comments made in good faith expressing disapprobation of the incidence, rate or amount of a notified liability, without instigating refusal to pay such liability, but with a view to securing by lawful means a temporary or permanent remission or reduction thereof

shall not constitute an offence under this section.

Power to collect an arrear of a notified liability as an arrear of land revenue.

(Punjab Cr. Law Amendment Act, II of 1935, Sec.12).

29. (1) Any person to whom an arrear of a notified liability is due, may apply in writing to the Deputy Commissioner to realize it, and the Deputy Commissioner may, after satisfying himself that the amount claimed is due, proceed to recover it as an arrear of land revenue, in accordance with the law applicable to the recovery of arrears of land revenue in the area concerned.

(2) Nothing in this section shall prevent any person, to whom an arrear of a notified liability is due, from recovering it in accordance with the law applicable to the recovery of such arrear.

(3) Any person from whom an amount has been recovered under this section in excess of the amount due from him, may recover such excess in accordance with law from the person on whose behalf the Deputy Commissioner has realized it.

Special rule of procedure.

(Punjab Criminal Law Amendment Act, II of 1935, Section 13).

30. No Magistrate shall take cognizanc of any offence punishable under this Chapter, except upon a report in writing of facts, which constitute such offence, made by a police office not below the rank of Sub-Inspector.

CHAPTER VII.

Provisions relating to Foreigners.

Proof of being a Foreigner.

(Sec.2 of the Foreigners Act III of 1864).

31. If a question shall arise whether any person alleged to be a foreigner, and

to be subject to the provisions of this Act, is a foreigner or not, or is or is not subject to the provisions of this Act, the onus of proving that such person is not a foreigner, or is not subject to the provisions of this Act, shall lie upon such person.

Government may order foreigner to remove himself.

(Section 3 of Act III of 1864)

32. The Government may, by writing, order any foreigner to remove himself from Mysore, or to remove himself therefrom by a particular route to be specified in the order.

Foreigner may be apprehended and detained pending order of removal.

(Section 3-A (1 & 5) of Act III of 1864)

32?

33. (1) Whenever a District Magistrate considers that the Government should be moved to issue an order under section 23 in respect of any foreigner who is within the jurisdiction of such Magistrate, he may report the case to the Government and at the same time issue a warrant for the apprehension of such foreigner.

(2) The Magistrate issuing a warrant under sub-section (1) may, in his discretion, direct by endorsement on the warrant that if such foreigner executes a bond with or without sureties for his attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(3) Any person executing a warrant under sub-section (1) may search for and apprehend the foreigner named in such warrant; and, subject to any direction issued under sub-section (2), shall forth wit

forthwith cause such foreigner when apprehended to be produced before the Magistrate issuing the warrant.

(Section 3-A (4) of Act III of 1864).

(4) When a foreigner for whose apprehension a warrant has been issued under sub-section (1) is produced or appears before the Magistrate issuing such warrant such Magistrate may direct him to be detained in custody pending the orders of the Government, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

Section 3-A (5) of Act III of 1864).

(5) Any Magistrate who has in accordance with the provisions of sub-section (4 ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the Government. On the receipt of a report under this section, the Government shall without delay either direct that the foreigner be discharged or make an order for the removal of such foreigner in accordance with the provisions of section 3.32.

Foreigner refusing to move or returning after removal may be apprehended and detained.

(Section 4 of Act III of 1864).

34. If any foreigner ordered to remove himself from Mysore, or ordered to remove himself therefrom by a particular route, shall neglect or refuse to do so, or

if any foreigner, having removed himself from Mysore in consequence of an order issued under any of the provisions of this Chapter, or having been removed from Mysore under any of the said provisions, shall wilfully return thereto. without permission in

writing granted by the Government,

such foreigner may be apprehended and detained in safe custody and the Government may thereupon discharge him upon such terms and conditions as the Government shall deem sufficient or cause him to be removed from the State in such manner as it shall deem fit.

35. The decision of the Government as to whether a person is a foreigner or not shall be final.

CHAPTER VII.

Supplemental.

Penalty for obstructing officers.

(Section 23 of Act III of 1864).

36. Whoever intentionally obstructs any officer in the exercise of any of the powers vested in him by this Act shall be held to have committed the offence specifi in section 186 of the Indian Penal Code as in force in Mysore.

Cognizance of offence.

(Sec. 8 of Act X of 1911)

37. No court inferior to that of a Magistrate of the first class shall try an offence against this Act.

Jurisdiction barred.

(Bombay Act, XVI of 1932, Sec.29).

38. Except as provided in this Act, n proceeding or order taken or made or purpo ing to be taken or made or deemed to have been so taken or made under this Act, shall be called in question by any court, and no civil or criminal proceeding shall be insti tuted against any person for anything done in good faith intended to be done under thi Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under this Act.

THE MYSORE PUBLIC SECURITY BILL.

WHEREAS it is expedient to supplement the Criminal aw for the purpose hereinafter appearing; It is hereby acted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Public curity Act, 193 . *(Bengal Act XXII of 1932.)*

(2) The Government may, by notification in the icial Gazette, from time to time, apply all or any of the ovisions of this Act to the whole or any part of the ate and may cancel or modify such notification from ne to time.

2. In this Act unless there is anything repugnant the subject or context :— *(Criminal Law Amendment Act XIV of 1908— Section 15.)*

(1) " the Code " means the Code of Criminal Procedure, 1904;

(2) (a) " association " means any combination or dy of persons, whether the same be known by any stinctive name or not, and

(b) " unlawful association " means an associa-on,—

(i) which encourages or aids persons to commit acts of violence or intimidation or the members of which habitually commit such acts, or

(ii) which has been declared to be unlawful by the Government under the powers conferred under this Act;

(3) " foreigner " shall denote a person who is not *(Naturalisation Act.)* natural born subject of His Highness the Maharaja, or ho has not acquired domicile in the State by residence erein for not less than five years immediately preceding e date when the question of his status arises coupled th the intention to reside therein permanently.

SPECIAL POWERS OF ARREST AND DETENTION.

(1) Any officer of the Government, authorised in this behalf, by general or special order of the Government may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace, himself arrest such person without warrant, or may direct the arrest without warrant of such person, and in making such arrest, may use any means that may be necessary to effect the arrest.

(2) An arrest made by or on the direction of any person under this section shall be reported forthwith to the Government by the officer so making or so directing the arrest, as the case may be, and such officer may, by order in writing, commit any person so arrested to such custody as the Government may, by general or special order, specify in this behalf:

Provided that no person shall, unless the Government by special order otherwise directs, be so detained in custody for a period exceeding fifteen days:

Provided further that no person shall be so detained in custody for a period exceeding two months.

(1) The Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace or in furtherance of a movement prejudicial to the public safety or peace, may by order in writing, give any one or more of the following directions, namely, that such person,

shall not enter, reside or remain in any area

(*b*) shall reside or remain in any area specified in the order;

(*c*) shall remove himself from, and shall not return to, any area specified in the order;

(*d*) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

(2) An order made under sub-section (1) shall not, unless the Government by special order otherwise directs, remain in force for more than one month from the making thereof.

(3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

Power to prohibit or regulate traffic.

(*Bombay Act XVI of 1932, Section 6.*)

5. The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think necessary in the interests of the public safety or peace, traffic over any road, pathway, bridge, waterway, or ferry.

Power to secure reports of public meetings.

(*Bombay Act XVI of 1932, Section 10.*)

6. The District Magistrate if, in his opinion, it is necessary in the interests of the public safety or peace, may, by order in writing, depute one or more police officers not below the rank of sub-inspector, or other persons, to attend any public meeting for the purpose of causing a report to be made of the proceedings, and may, by such order, authorise the persons so deputed to take with them an escort of police officers.

Power to issue search warrants.

(*Bombay Act XVI of 1932, Section 11.*)

7. The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—

(*a*) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the public safety or peace has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made;

(*b*) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used or is intended to be used, for any purpose mentioned in that clause;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

8. Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been declared forfeited to the Government under any law for the time being in force shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

9. (1) If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction or prescribed the condition may take or cause to be taken such action as it thinks necessary to give effect thereto.

(2) No claim for compensation may be lodged for loss or damage caused in any case where action has been taken under sub-section (1).

10. Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of Section 4 shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

CHAPTER III.

UNLAWFUL ASSOCIATION

11. If the Government is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the Government may, by notification in the official Gazette, declare such association to be unlawful.

12. (1) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Whoever manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

13. An association shall not be deemed to have ɔased to exist by reason only of any formal act of dis-ılution or change of title, but shall be deemed to ɔntinue so long as any actual combination for the pur-ɔses of such association continues between any members ıereof.

Continuance of Association.

(Section 18 of Act XIV of 1908.)

14. (1) The Government may, by notification in the ficial Gazette, notify any place which in its opinion is ɜed for the purposes of an unlawful association.

Power to notify and take possession of places used for the purposes of an unlawful association.

(Section 17-a (1) of Act XIV of 1908 and Section 13 of the Criminal Law Amendment Act XXIII of 1932.)

(2) The District Magistrate, or any officer ıthorised in this behalf in writing by the District Magis-ate, may thereupon take possession of the notified place ıd evict therefrom any person found therein, and shall rthwith make a report of the taking of possession to ıe Government:

(Section 17-A (2) of Act XIV of 1908 and Section 13 of Act XXIII of 1932.)

Provided where such place contains any apartment ɔcupied by women and children, reasonable time and cilities shall be afforded for their withdrawal with the ast possible inconvenience.

(3) A notified place whereof possession is taken ıder sub-section (2) shall be deemed to remain in the possession of the Government so long as the notification under sub-section (1) in respect thereof remains in force.

(Section 17-A (3) of Act XIV of 1908 and Section 13 of Act XXIII of 1932.)

15. (1) The District Magistrate or other officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof and submit it, with a report of the taking of possession of such moveable property, to the Government.

Moveable property found in a notified place.

Section 13 of Act XXIII of 1932 and Section 17-I (1 to 3) of Act XIV of 1908 (slightl modified).

(2) If, in the opinion of the Government, any articles specified in the list are or may be used for the purpose of the unlawful association, the Government may, by order in writing, declare such article to be forfeited to the Government and may give such directions for the disposal thereof as it may think fit.

(3) All other articles specified in the list which are not so forfeited shall be delivered by the District Magistrate to the person whom he considers to be entitled to possession thereof, or if no such person is found shall be disposed of in such manner as the District Magistrate may direct.

16. Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass, and notwithstanding anything contained in the Code any such offence of criminal trespass shall be cognisable and non-bailable.

17. Before a notification under sub-section (1) of section 14 is cancelled, the Government shall give such general or special directions as it may deem requisite regulating the relinquishment by the Government of possession of notified places.

18. (1) Where the Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, declare such monies, securities or credits to be forfeited to the Government.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy, such person shall pay or deliver the monies, securities or credits to the order of the Government

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Where the Government has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Government. A copy of

uch order shall be served upon the person to whom it is irected.

(4) The Government may endorse a copy of an rder under sub-section (3) for investigation to any officer t may select, and such copy shall be warrant whereunder uch officer may enter upon any premises of the person to vhom the order is directed, examine the books of such erson, search for monies and securities, and make inquiies from such person, or any officer, agent or servant of uch person, touching the origin of and dealings in any nonies, securities or credits which the investigating fficer may suspect are being used or are intended to be ised for the purposes of an unlawful association. *(Section 13 of Act XXIII of 1932 and Section 17-E (6) of Act XIV of 1908.)*

(5) A copy of an order under this section may be erved in the manner provided in the Code for the service f a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may e served on any secretary, director or other officer or erson concerned with the management thereof, or by eaving it or sending it by post addressed to the corporaion, company, bank or association at its registered office, r where there is no registered office, at the place where t carries on business. *(Section 13 of Act XXIII of 1932 and Section 17-E (7) of Act XIV of 1908.)*

(6) Where an order of forfeiture is made under ub-section (1) in respect of any monies, securities or redits in respect of which a prohibitory order has been nade under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities, or credits forfeited to the order of the Government. *(Section 13 of Act XXIII of 1932 and Section 17-E (8) of Act XIV of 1908.)*

(7) Where any person liable under this section to pay or deliver any monies, securities, or credits to the order of the Government, refuses or fails to comply with any direction of the Government in this behalf, the Government may recover from such person, as arrears of land revenue or as a fine, the amount of such monies or credits or the market value of such securities. *(Section 13 of Act XXIII of 1932 and Section 17-E (9) of Act XIV of 1908.)*

(8) In this section, "security" means a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the market value of any security means the value as fixed by any officer or person deputed by the Government in this behalf. *(Section 13 of Act XXIII of 1932 and Section 17-E (10) of Act XIV of 1908.)*

CHAPTER IV

PREVENTION OF SEDITIOUS AND CERTAIN OTHER PUBLIC MEETINGS.

19. (1) The Government may, by notification in th fficial Gazette, declare the whole or any part of th tate to be a proclaimed area.

(2) A notification made under sub-section (1) sha ot remain in force for more than six months; but noth ng in this sub-section shall be deemed to prevent th overnment from making any further notification i espect of the same area from time to time as it may think

(1) No public meeting for the furtherance o iscussion of any subject likely to cause disturbance o ublic excitement, or for the exhibition or distribution o ny writing or printed matter relating to any such subiec hall be held in any proclaimed area:—

(*a*) unless written notice of the intention to hol uch meeting and of the time and place of such meetin as been given to the District Magistrate at least thre ays previously; or

(*b*) unless permission to hold such meeting ha een obtained in writing from the District Magistrate.

(2) Nothing in this section shall apply to an ublic meeting held under any statutory or other expre: egal authority or to any public meetings or class of publ eetings exempted for that purpose by the Governmer y general or special order.

21. The District Magistrate may, at any time, b rder in writing, of which public notic shall forthwith b iven, prohibit any public meeting in a proclaimed are f, in his opinion, such meeting is likely to promote sed ion or disaffection or to cause a disturbance of the publ

Indian Penal Code, as in force in Mysore, and of Chapter IX of the Code.

Penalty for delivery of speeches in public place

(*Section 7 of Act X of 191*

23. Whoever, in a proclaimed area, in a public place or a place of public resort, otherwise than at a public meeting held in accordance with, or exempted from, the provisions of Section 20, without the permission in writing of the District Magistrate, previously obtained, delivers any lecture, address, or speech on any subject likely to cause disturbance or public excitement to persons then present, may be arrested without warrant and shall be punished with imprisonment for a term wich may extend to six months, or with fine, or with both.

CHAPTER V.

PROVISIONS AGAINST CERTAIN FORMS OF INTIMIDATION.

Molesting a person to prejudice of employment business.

(*Section 7 the Criminal Law Amendment Act XXIII of 1932.*)

24. (1) Whoever,—

(*a*) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his emloy, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place or interferes with any property owned or used by him or hinders him in the use thereof, or

(*b*) loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Explanation.—Encouragement of indigenous industries or advocacy of temperance without the commission of any of the acts prohibited by this section is not an offence under this section.

(2) No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of sub-inspector.

Procedure in offences under Chapter.

(Section 12 of Act XXIII of 1932.)

25. Notwithstanding anything contained in th Code, an offence punishable under Section 24 shall l cognizable by the police and shall be non-bailable

Power to Government to make certain offences cognizable and non-bailable.

(Section 10 of Act XXIII of 1932.)

26. (1) The Government may, by notification in th official Gazette, declare that any offence punishable und Sections 186, 188, 190, 228, 298, 505, 506 or 507 of th Indian Penal Code, as in force in Mysore, when committe in any area specified in the notification shall, notwith standing anything contained in the Code be cognizabl and thereupon the Code shall, while such notificatio remains in force, be deemed to be amended accordingly.

(2) The Government may, in like manner ar subject to the like conditions, and with the like effe declare that an offence punishable under Section 188 Section 506 of the Indian Penal Code as in force in Mvso shall be non-bailable.

CHAPTFR VI.

PROVISIONS AGAINST INSTIGATION TO TH ILLEGAL REFUSAL OF THE PAYMENT O CERTAIN LIABILITIES

27. (1) The Government may by notification in th official Gazette declare that the whole or any part of th State shall be a notified area for the purposes of th Chapter.

(2) The Government may further, by the same by subsequent notification, declare that in such notifie area, land revenue or any sum recoverable as arrears land revenue, or any tax, rate, cess or other dues amount payable to the Government or to any local auth rity, or rent of agricultural land, or anything recoverable arrears of or along with such rent, shall be a notifie liability.

28. Whoever by words, either spoken or written, by signs or by visible representations or otherwise, inst gates, expressly or by implication any person or class persons not to pay or to defer payment of any notifie liability or whoever does any act with intent or knowin

it to be likely that any words, signs, or visible represe
tations containing such instigation, shall thereby l
communicated directly or indirectly to any person
class of persons, in any manner whatsoever, shall l
punishable with imprisonment which may extend to s
months, or with fine, or with both.

Explanation.—Comments made in good faith e
pressing disapprobation of the incidence, rate or amou
of a notified liability, without instigating refusal to p
such liability, but with a view to securing by lawf
means a temporary or permanent remission or reductic
thereof shall not constitute an offence under this sectio

29. (1) Any person to whom an arrear of a notifi
liability is due, may apply in writing to the Depu
Commissioner to realize it, and the Deputy Commission
may, after satisfying himself that the amount claimed
due, proceed to recover it as an arrear of land revenue,
accordance with the law applicable to the recovery
arrears of land revenue in the area concerned.

(2) Nothing in this section shall prevent a
person, to whom an arrear of a notified liability is du
from recovering it in accordance with the law applicab
to the recovery of such arrear.

(3) Any person from whom an amount has be
recovered under this section in excess of the amount d
from him, may recover such excess in accordance wi
law from the person on whose behalf the Deputy Co
missioner has realized it.

30. No magistrate shall take cognizance of a
offence punishable under this Chapter, except upon
report in writing of facts, which constitute such offenc
made by a police officer not below the rank of su
inspector. *ment Act II of 1935, Section 13).*

CHAPTER VII.

PROVISIONS RELATING TO FOREIGNERS.

Proof of being a foreigner.

31. If a question shall arise whether any person alleged to be a foreigner, and to be subject to the provisions of this Act, is a foreigner or not, or is or is not subject to the provisions of this Act, the onus of proving that such person is not a foreigner, or is not subject to the provisions of this Act, shall lie upon such person.

(Section 2 of the Foreigners Act III of 1864.)

Government may order foreigner to remove himself.

(*Section 3 of Act III of 1864.*)

32. The Government may, by writing, order any foreigner to remove himself from Mysore, or to remove himself therefrom by a particular route to be specified in the order.

Foreigner may be apprehended or detained pending order of removal.

(*Section 3-A of Act III of 1864.*)

33. (1) Whenever a District Magistrate considers that the Government should be moved to issue an order under Section 32 in respect of any foreigner who is within the jurisdiction of such magistrate, he may report the case to the Government and at the same time issue a warrant for the apprehension of such foreigner.

(2) The magistrate issuing a warrant under sub-section (1) may, in his discretion, direct by endorsement on the warrant that if such foreigner executes a bond with or without sureties for his attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(3) Any person executing a warrant under sub-section (1) may search for and apprehend the foreigner named in such warrant; and, subject to any direction issued under sub-section (2), shall forthwith cause such foreigner when apprehended to be produced before the Magistrate issuing the warrant.

(4) When a foreigner for whose apprehension a warrant has been issued under sub-section (1) is produced or appears before the magistrate issuing such warrant, such magistrate may direct him to be detained in custody pending the orders of the Government, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

(5) Any magistrate who has in accordance with the provisions of sub-section (4) ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the Government. On the receipt of a report under this section, the Government shall without delay either direct that the foreigner be discharged or make an order for the removal of such foreigner in accordance with the provisions of Section 32.

34. If any foreigner ordered to remove himself from Mysore, or ordered to remove himself therefrom by a particular route, shall neglect or refuse to do so, or

if any foreigner, having removed himself from Mysore in consequence of an order issued under any of

the provisions of this Chapter, or having been removed from Mysore under any of the said provisions, shall wilfully return thereto, without permission in writing granted by the Government,

such foreigner may be apprehended and detained in safe custody and the Government may thereupon discharge him upon such terms and conditions as the Government shall deem sufficient or cause him to be removed from the State in such manner as it shall deem fit.

35. The decision of the Government as to whether a person is a foreigner or not shall be final. *(New*

CHAPTER VIII.

SUPPLEMENTAL.

Penalty for obstructing officers.

36. Whoever intentionally obstructs any officer in the exercise of any of the powers vested in him by this Act shall be held to have committed the offence specified in section 186 of the Indian Penal Code as in force in Mysore. *(Section 23 of Act III of 1864.)*

Cognizance of offence.

37. No court inferior to that of a Magistrate of the First Class shall try any offence against this Act. *(Section 8 of Act X of 1911.)*

Jurisdiction barred.

38. Except as provided in this Act, no proceeding or order taken or made or purporting to be taken or made or deemed to have been so taken or made under this Act, shall be called in question by any court, and no civil or criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under this Act. *(Bombay Act XVI of 1932, Section 29.)*

Regd. No. M.—1175.

The Mysore Gazette

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, MONDAY, SEPTEMBER 25, 1939.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

Order No. P. 2210—*Legis.* 22-39-1, *dated Bangalore, the 25th September* 1939.

Ordered that the accompanying Emergency Act (the ysore Public Security Act) be published as Act). XXIV of 1939, in the *Mysore Gazette* for general formation.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary to Government,

Law Department.

ACT No. XXIV OF 1939.

THE MYSORE PUBLIC SECURITY ACT.

WHEREAS an emergency has arisen which makes it expedient to supplement the criminal law for the purpose of securing the public safety and interest;

Now therefore, in exercise of the powers conferred by section 12 of the Mysore Legislative Council Act, 1923; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Public Security Act, 1939.

(2) The Government may, by notification in the official Gazette, from time to time, apply all or any of the provisions of this Act to the whole or any part of the State and may cancel or modify such notification from time to time.

2. In this Act unless there is anything repugnant in the subject or context :—

(1) "the Code" means the Code of Criminal Procedure, 1904;

(2) (*a*) "association" means any combination or body of persons, whether the same be known by any distinctive name or not, and

(*b*) "unlawful association" means an association,—

(i) which encourages or aids persons to commit acts of violence or intimidation or the members of which habitually commit such acts, or

(ii) which has been declared to be unlawful by the Government under the powers conferred under this Act;

(3) "foreigner" shall denote a person who is not a natural born subject of His Highness the Maharaja, or who has not acquired domicile in the State by residence

therein for not less than five years immediately preceding the date when the question of his status arises coupled with the intention to reside therein permanently;

(4) "notified place" means a place which has been notified under Section 14;

(5) (i) "public meeting" means a meeting which is open to the public or any class or portion of the public:

(ii) a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise.

CHAPTER II.

Special Powers of Arrest and Detention.

3. (1) Any officer of the Government, authorised in this behalf, by general or special order of the Government, may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace, himself arrest such person without warrant, or may direct the arrest without warrant of such person, and in making such arrest, may use any means that may be necessary to effect the arrest.

(2) An arrest made by or on the direction of any officer under this section shall be reported forthwith to the Government by the officer so making or so directing the arrest, as the case may be, and such officer may, by order in writing, commit any person so arrested to such custody as the Government may, by general or special order, specify in this behalf:

Provided that no person shall, unless the Government by special order otherwise directs, be so detained in custody for a period exceeding fifteen days:

Provided further that no person shall be so detained in custody for a period exceeding two months.

(1) The Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace or in furtherance of a movement prejudicial to the public safety or peace, may, by order in writing, give any one or more of the following directions, namely, that such person,-

(*a*) shall not enter, reside or remain in any area specified in the order;

(*b*) shall reside or remain in any area specified in the order;

(*c*) shall remove himself from, and shall not return to, any area specified in the order;

(*d*) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

(2) An order made under sub-section (1) shall not, unless the Government by special order otherwise directs, remain in force for more than one month from the making thereof.

(3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

5. The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think necessary in the interests of the public safety or peace, traffic over any road, pathway, bridge, waterway, or ferry.

6. The District Magistrate, if, in his opinion, it is necessary in the interests of the public safety or peace, may, by order in writing, depute one or more police officers not below the rank of sub-inspector, or other persons, to attend any public meeting for the purpose of causing a report to be made of the proceedings, and may, by such order, authorise the persons so deputed to take with them an escort of police officers.

7. The power to issue search warrants conferred by Section 98 of the Code shall be deemed to include a power to issue warrants authorising—

(*a*) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the public safety or peace has been, is being, or is about to be committed, or that preparation for the commission of any such offence or act is being made;

(*b*) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant

issued, and to the disposal of any property seized, under this section.

8. Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document, copies whereof have been declared forfeited to the Government under any law for the time being in force, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

9. (1) If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction, or prescribed the condition may, take or cause to be taken such action as it thinks necessary to give effect thereto.

(2) No claim for compensation may be lodged for loss or damage caused in any case where action has been taken under sub-section (1).

10. Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of Section 4 shall be punishable with imprisonment which may extend to two years, or with fine, or with both

CHAPTER III.

Unlawful Associatio

11. If the Government is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the Government may, by notification in the official Gazette, declare such association to be unlawful.

12. (1) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Whoever manages or assists in the management of an unlawful association, or promotes, or assists in promoting, a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

13. An association shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof.

14. (1) The Government may, by notification in the official Gazette, notify any place which in its opinion is used for the purposes of an unlawful association.

(2) The District Magistrate, or any officer authorised in this behalf in writing by the District Magistrate, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking of possession to the Government :

Provided where such place contains any apartment occupied by women and children, reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of the Government so long as the notification under sub-section (1) in respect thereof remains in force.

15. (1) The District Magistrate or other officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof and submit it, with a report of the taking of possession of such moveable property, to the Government.

(2) If, in the opinion of the Government, any article specified in the list is or may be used for the purpose of the unlawful association, the Government may, by order in writing, declare such article to be forfeited to the Government and may give such directions for the disposal thereof as it may think fit.

(3) All other articles specified in the list which are not so forfeited shall be delivered by the District Magistrate to the person whom he considers to be entitled to possession thereof, or if no such person is found shall be disposed of in such manner as the District Magistrate may direct.

16. Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this

behalf, shall be deemed to commit criminal trespass, and notwithstanding anything contained in the Code any such offence of criminal trespass shall be cognisable and non-bailable.

17. Before a notification under sub-section (1) of Section 14 is cancelled, the Government shall give such general or special directions as it may deem requisite regulating the relinquishment by the Government of possession of notified places.

18. (1) Where the Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, declare such monies securities or credits to be forfeited to the Government.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies securities or credits, and on the service of such copy such person shall pay or deliver the monies, securities or credits to the order of the Government

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same

(3) Where the Government has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Government. A copy of such order shall be served upon the person to whom it is directed.

(4) The Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for monies and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of, and dealings in, any monies, securities or credits which the investigating

officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

(5) A copy of an order under this section may be served in the manner provided in the Code for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office, or where there is no registered office, at the place where it carries on business.

(6) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities, or credits forfeited to the order of the Government.

(7) Where any person liable under this section to pay or deliver any monies, securities, or credits to the order of the Government, refuses or fails to comply with any direction of the Government in this behalf, the Government may recover from such person, as arrears of land revenue or as a fine, the amount of such monies or credits or the market value of such securities.

(8) In this section, "security" means a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the market value of any security means the value as fixed by any officer or person deputed by the Government in this behalf.

CHAPTER IV.

PREVENTION OF SEDITIOUS AND CERTAIN OTHER PUBLIC MEETINGS.

19. (1) The Government may, by notification in the official Gazette, declare the whole or any part of the State to be a proclaimed area.

(2) A notification made under sub-section (1) shall not remain in force for more than six months; but nothing in this sub-section shall be deemed to prevent the

Government from making any further notification in respect of the same area from time to time as it may think it.

20. (1) No public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement, or for the exhibition or distribution of any writing or printed matter relating to any such subject, shall be held in any proclaimed area :

(*a*) unless written notice of the intention to hold such meeting and of the time and place of such meeting has been given to the District Magistrate at least three days previously ; or

(*b*) unless permission to hold such meeting has been obtained in writing from the District Magistrate.

(2) Nothing in this section shall apply to any public meeting held under any statutory or other express legal authority or to any public meetings or class of public meetings exempted for that purpose by the Government by general or special order.

21. The District Magistrate may, at any time, by order in writing, of which public notice shall forthwith be given, prohibit any public meeting in a proclaimed area, if, in his opinion, such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquillity.

22. (1) Any person concerned in the promotion or conduct of a public meeting held in a proclaimed area contrary to the provisions of Section 20 shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Any public meeting which has been prohibited under Section 21 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Indian Penal Code, as in force in Mysore, and of Chapter IX of the Code.

23. Whoever, in a proclaimed area, in a public place or in a place of public resort, otherwise than at a public meeting held in accordance with, or exempted from, the provisions of Section 20, without the permission in writing of the District Magistrate, previously obtained, delivers any lecture, address, or speech on any subject likely to cause disturbance or public excitement to persons then present, may be arrested without warrant and shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

PROVISIONS AGAINST CERTAIN FORMS OF INTIMIDATION.

24. (1) Whoever,—

(*a*) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place or interferes with any property owned or used by him or hinders him in the use thereof, or

(*b*) loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Explanation.—Encouragement of indigenous industries or advocacy of temperance without the commission of any of the acts prohibited by this section is not an offence under this section.

(2) No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of sub-inspector.

25. Notwithstanding anything contained in the Code, an offence punishable under Section 24 shall be cognizable by the police and shall be non-bailable.

26. (1) The Government may, by notification in the Official Gazette, declare that any offence punishable under Sections 186, 188, 190, 228, 298, 505, 506 or 507 of the Indian Penal Code, as in force in Mysore, when committed in any area specified in the notification shall, notwithstanding anything contained in the Code, be cognizable, and thereupon the Code shall, while such notification remains in force, be deemed to be amended accordingly.

(2) The Government may, in like manner and subject to the like conditions, and with the like effect declare that an offence punishable under Section 188 or

Section 506 of the Indian Penal Code as in force in Mvso shall be non-bailable.

CHAPTER VI

PROVISIONS AGAINST INSTIGATION TO THE ILLEGAL REFUSAL OF THE PAYMENT OF CERTAIN LIABILITIES.

27. (1) The Government may, by notification in t official Gazette, declare that the whole or any part of t State shall be a notified area for the purposes of th Chapter.

(2) The Government may further, by the same by subsequent notification, declare that in such notifi area, land revenue or any sum recoverable as arrears and revenue, or any tax, rate, cess or other dues amount payable to the Government or to any local auth ity, or rent of agricultural land, or anything recoverable arrears of or along with such rent, shall be a notifi liability.

28. Whoever by words, either spoken or written, by signs or by visible representations or otherwise, ins gates, expressly or by implication any person or class persons not to pay or to defer payment of any notifi liability or whoever does any act with intent, or knowi t to be likely that any words, signs, or visible represe sations containing such instigation, shall thereby communicated directly or indirectly to any person class of persons, in any manner whatsoever, shall punishable with imprisonment which may extend to s months, or with fine, or with both.

Explanation.—Comments made in good faith e pressing disapprobation of the incidence, rate or amou of a notified liability, without instigating refusal to p such liability, but with a view to securing by lawf means a temporary or permanent remission or reducti thereof shall not constitute an offence under this sectio

29. (1) Any person to whom an arrear of a notifi liability is due, may apply in writing to the Depu Commissioner to realize it, and the Deputy Commission may, after satisfying himself that the amount claimed due, proceed to recover it as an arrear of land revenue, accordance with the law applicable to the recovery

(2) Nothing in this section shall prevent any person, to whom an arrear of a notified liability is due, from recovering it in accordance with the law applicable to the recovery of such arrear.

(3) Any person from whom an amount has been recovered under this section in excess of the amount due from him, may recover such excess in accordance with law from the person on whose behalf the Deputy Commissioner has realized it.

30. No magistrate shall take cognizance of any offence punishable under this Chapter, except upon a report in writing of facts, which constitute such offence, made by a police officer not below the rank of sub-inspector.

CHAPTER VII.

Provisions Relating to Foreigners.

31. If a question shall arise whether any person alleged to be a foreigner, and to be subject to the provisions of this Act, is a foreigner or not, or is or is not subject to the provisions of this Act, the onus of proving that such person is not a foreigner, or is not subject to the provisions of this Act, shall lie upon such person.

32. The Government may, by writing, order any foreigner to remove himself from Mysore, or to remove himself therefrom by a particular route to be specified in the order.

33. (1) Whenever a District Magistrate considers that the Government should be moved to issue an order under Section 32 in respect of any foreigner who is within the jurisdiction of such magistrate, he may report the case to the Government and at the same time issue a warrant for the apprehension of such foreigner.

(2) The magistrate issuing a warrant under sub-section (1) may, in his discretion, direct by endorsement on the warrant that if such foreigner executes a bond with or without sureties for his attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(3) Any person executing a warrant under sub-section (1) may search for and apprehend the foreigner

named in such warrant; and, subject to any direction issued under sub-section (2), shall forthwith cause such foreigner when apprehended to be produced before the Magistrate issuing the warrant

(4) When a foreigner for whose apprehension a warrant has been issued under sub-section (1) is produced or appears before the magistrate issuing such warrant, such magistrate may direct him to be detained in custody pending the orders of the Government, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

(5) Any magistrate who has in accordance with the provisions of sub-section (4) ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the Government. On the receipt of a report under this section, the Government shall without delay either direct that the foreigner be discharged or make an order for the removal of such foreigner in accordance with the provisions of Section 32.

34. If any foreigner ordered to remove himself from Mysore, or ordered to remove himself therefrom by a particular route, shall neglect or refuse to do so, or

if any foreigner, having removed himself from Mysore in consequence of an order issued under any of the provisions of this Chapter, or having been removed from Mysore under any of the said provisions, shall wilfully return thereto without permission in writing granted by the Government,

such foreigner may be apprehended and detained in safe custody and the Government may thereupon discharge him upon such terms and conditions as the Government shall deem sufficient or cause him to be removed from the State in such manner as it shall deem fit.

CHAPTER VIII.

SUPPLEMENTAL.

35. Whoever intentionally obstructs any officer in e exercise of any of the powers vested in him by this ct shall be held to have committed the offence specified Section 186 of the Indian Penal Code as in force in ysore.

36. No court inferior to that of a Magistrate of the irst Class shall try any offence against this Act.

37. Except as provided in this Act, no proceeding or order taken or made or purporting to be taken or made or deemed to have been so taken or made under this Act, shall be called in question by any court, and no civil or criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under this Act.

MIRZA M. ISMAIL,
Dewan.

Suggestions re the Public Security Bill.

Inspector General of Police.

(a) Clause 34 (i) States of officer by whom the "foreigner" may be apprehended may be specified.

(ii) failure of foreigner to remove himself or return after removal to be made a substantive offence involving a penalty of simple imprisonment.

Parents and guardians should be made liable for payment of fines inflicted young persons.

Advocate.

Prefers the word "safety" for the word "security"
no need to prefix the word "Supreme"

Should state expressly the purpose of the measure

the definite article "the" before the words "Public Safety" in line 5 of Cl 3 (1) ~~to~~ may be omitted.

(d) Heading of chapter II may be made more Comprehensive.

7 (e) Clause 8 may go lower down than clause 10.

8 (f) Sanction in clause 10 to be made to include all orders under all sections of the Chapter.

9 (g) Chapter III : Burden should be cast on an accused to prove he was not a member of an unlawful assocn. if prosecution proves he was once a member.

10 (h) Clause 23. In line 2 after word "resent" the words " In a proclaimed area" may be added. and after the word " present" the words " without the permission in writing of the District Magistrate previously obtained" may be added.

Chapters V and VI may be Consolidated.

All offences in the Bill may be made Cognisable and non-bailable.

[illegible] in view of clause 20. In any event "or is or is not subject to the Provisions of this Act" are unnecessary

District Magistrate Kolar.

14 (a) Clause 26 (1) Should include 384 and 385 IPC.

15 (b) a further provision to be added that a legal Practitioner on a Conviction for an offence under this Act becomes ipso facto unfit to practice his Profession

District Magistrate Shimoga

Clause 3 (2) maximum period to be increased from 2 months to 6 months.

District magistrate Chitaldrug.

17 (a) Clause 1 (2) Suggests an alternative draft

18 (b) Clause 20 (1) Proviso (a) may be deleted and in Proviso (b) the word "previously" added between "has been" and "obtd

P5195/Encl

31st March 1939.

CONFIDENTIAL.
&
IMMEDIATE.

Dear Sir,

I am desired to forward herewith the draft of a Bill to supplement the Criminal Law in force in Mysore and to request you to be so good as to have the same set in type and four clean proofs sent to me before(Monday evening) viz., 3rd April 1939.

The matter may kindly be treated as confidential

Yours sincerely,

31.3

B.Venkatasubba Rao, Esq., B.A., LL.B.,
Superintendent, Government Printing,
Bangalore.

Appendix F G—1]

SUBJECT.....

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Section

File No.

Serial No.

Diary No. of letter replied to .....

D.O. No. P 5328-37/Genl one

To Confidential.

General and Revenue Secretariat

( )

the *193*

Dear Sir,

I am desired to forward herewith a Copy of the Indian Public Security Bill at present under the Consideration of Government and to request you to furnish early any suggestions you may have about the Bill

Yours Sincerely,

5-4

Date of issue 5.4.39

Signed by Mr. A.S.R

List of enclosures (1) all D. M's

2. D. G. of police

3. Govt. Advocate.

Copied by.....

Examined by.....

WD 0278—GPB—30,000—4-3-38

CONFIDENTIAL.

104

Mr. M. G. MEHKRI, B.A., LL.B.,
Deputy Commissioner.

MYSORE,

Dated 7th April 193 9

6299/1

T.C. 223/38-39
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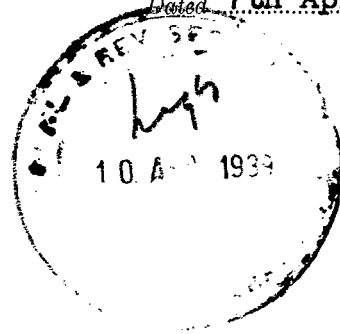


Dear Sir,

In returning herewith a copy of the Mysore Public Security Bill received with your D.O. letter No.P.5328-37 dated the 5th April 1939, I write to state that I have no suggestions to offer.

Yours sincerely,

M. G. Mehkri

To
A. Sundararaja Rao, Esq.,B.A.,B.L.,
Under Secretary to Government of Mysore,
General and Revenue Secretariat,
BANGALORE.

6324/P

857

Strictly Confidential.

No: T.C.667/38-39.

Office of the District Magistrate,
Kolar District.
Dated (Camp) Chikballapur, the 9th April 1939.

For perusal in the first instance.

Dewan)

Dear Sir,

I write to acknowledge the receipt of a copy of the Mysore Public Security Bill at present under consideration of Government, sent with your D.O. letter No:P.5328-37/ dated 5th April 1939. The bill is very comprehensive and there is very little that can be added to its provisions. I have only two suggestions to submit which I give below with reasons:

After the appellate judgement in the Closepet -- picketting cases, the congress workers seem to be under the impression that peaceful picketting not being illegal in Mysore, they could raise funds by collecting subscriptions from our Excise contractors by threatening to picket Excise shops. One particular case has come to my notice, that of Mr. Babi Reddi one of our Excise Contractors. This man confessed to me that he was compelled to pay Rs.116/- as black mail to the congress people as a consideration for desisting from picketting his shops. This is an offence under Section 384 I.P.C. which is not cognizable. It is not possible to expect our contractors to prefer complaints in Courts of law at their own expense against such black-mailers. They find it much easier to pay the black mail and pursue their avocations. The actual picketers are no doubt dealt with - under Chap. V of the proposed bill, but the leaders who do not come to the fore-front but actually levy black mail - cannot be booked under Chap.V. The major portion of the funds so far collected by the Mysore congress has been paid by some of our timid Excise contractors and other P.W.D. contractors who in this District enjoyed the patronage of

Mr. K.Chengalaraya Reddi during his period of Presidentship of the District Board for nearly six years. I would therefore add Secs. 384 and 385 I.P.C. to the list of offences under Section 26(1) of the bill giving power to Government to make this offence cognizable and non-bailable. In that case, the leaders could be dealt with effectively as much as their less harmful victims. I think it most likely that the first measu: of direct action which the Viduraswatha Convention will lay bef(the public will be an attack on the Excise policy of Government so that congress funds may be supplemented by a systematic camp of "peaceful" picketting bringing the spoils of black mail to their coffers. I therefore suggest that these two sections are made cognizable and non-bailable under Sec.26(1) of the bill.

Another noticeable feature of the congress movement in the State is the amount of direct interest taken by many membe: of the Bar both in the Cities and moffusil, in directing and sc times leading the movement. And yet they have not been debarre from appearing in Courts. I remember that one of the suggestions of the Ramesam Committee was that disciplinary action sh(be taken against such members of the Bar as they are officers c the Courts intended for upholding the dignity and reign of law. Under the "Legal Practitioners' Act", suspension and dismissal of legal practitioners convicted of criminal offences lies with High Court in cases of Conviction implying a defect of characte: which unfits the person concerned to be a legal practitioner. would suggest that provision may be made in the proposed bill enacting that a conviction under the Mysore Public Security Ac: under any of the penal provisions be considered ipso facto as implying a defect of character which unfits the person concern(to be a legal practitioner. I feel sure that a threat of thi: kind will deter most of the members of our Bar who are now -- showing interest in congress activities from taking any such interest in future. It will have a wholesome disciplinary --

ırs sincerely,

To

Rajasevaprasakta
B. T. KESAVAIENGAR, ESQ., B.A.,
Chief Secretary to Government of Mysore,
Bangalore.

Mr.T.Ramaiya, B.A., (Hons.,)
Deputy Commissioner.

CR.43-38

6314/P

CONFIDENTIAL.

Dated Hassan, the 10th April 1939.

11. APR 1939

Dear Mr. Sundararaja Rao,

With reference to your D.O. No.P.5328-37 calling for suggestions on the Mysore Public Securi Bill under consideration, I write to state that the Bill is very comprehensive and does not require any change.

Yours Sincerely,

A. Sundararaja Rao, Esq., B.A., B.L.,
Under Secretary to Government,
General & Revenue Secretariat,
Bangalore.

Yours faithfully,

Under Secretary to Government,
General & Revenue Secretariat.

M.Seshadri,M.A.,
uty Commissioner.

2316/P 109

138-39. 11-4

Office of the Deputy Commissioner,
Shimoga District, 1939
Dated, Shimoga, 10th April 1939.

Dear Sir,

With reference to your D.O.letter No.P5328-87 of the 5th instant, I write to say that I have no suggestions to offer except on one point. The proviso to clause (2) of section 3 provides that the maximum period of detention shall not exceed two months. It seems to me that the maximum period might be fixed at six months.

Yours sincerely,

M Seshadri

A. Sundararaja Rao, Esqr:,B.A.,B.L.,
Under Secretary to Government,
Old Public Offices, Bangalore.

CONFIDENTIAL
D.O. No.C.254/38-39

6380/P

REV. SECRETARIAT
14. APR. 1939
PROTECTION BRANCH

E. G. B. PEEL, Esq., C.I.E.,
Inspector-General of Police
in Mysore.

BANGALORE
13th April 1939.

Dear Sir,

Please refer to your Confidential D.O.letter No. P.5328/37 dated the 5th April 1939.

The bill seems to me to provide admirably for all contingencies and should greatly strengthen the hands of the Administration.

In the third paragraph of Section 34, the status of the officer by whom the "foreigner" may be apprehended (the word 'be' has been omitted by mistake) is not specified and I suggest that this omission be rectified. In this connection I might mention that the corresponding provision in the Kashmir Criminal Law Amendment Regulation (I of 1993) reads as follows.-

> "When the order is directed to a person to remove himself from the area comprising the entire provinces of Kashmir and Jammu and such order is disobeyed, it will be open to a Police Officer not lower in rank than a Sub Inspector of Police to take the person against whom notice is issued into custody for the purpose of carrying out this order, to keep him in such custody until the order is carried out and to take the person directed to remove himself from the provinces of Jammu and Kashmir to a place outside those provinces and leave him there".

I suggest, however, that failure on the part of a foreigner to remove himself, or his wilful return after removal, might itself be made a substantive offence, involving a penalty of simple imprisonment. Otherwise, there would seem to be nothing to prevent a foreigner, whose removal has been ordered by Government, from returning at will with impunity?

It is also for consideration whether parents and guardians should not be made liable for payment of fines inflicted on young persons for acts committed in furtherance of a movement prejudicial to the public - safety and peace, as recommended by my predecessor in his letter No.C.254/38-39 dated 30th March 1939, proposing certain amendments to the Draft Police Act (Extract enclosed for reference).

enclosed for reference).

Yours sincerely,

To

A.Sundararaja Rao Esq., B.A.,B.L.,
Under Secretary to the Govt.of Mysore,
General & Revenue Sectt., Bangalo

The following may be added as Section 128 A.

Power to order parent or guardian to pay fine imposed on young person. (Criminal Law Amendment Act 1932 - Section 8)

1) Where any young person under the age of sixteen years is convicted by any Court of an offence under this Act, which, in the opinion of the Court, has been committed in furtherance of a movement prejudicial to the public safety or peace and such young person is sentenced to fine, the Court may order that the fine shall be paid by the parent or guardian of such young person as if it had been a fine imposed upon the parent or guardian.

EXPLANATION.- In this Section the word "guardian" includes any person who, in the opinion of the Court, has for the time being the charge of or control over the offender.

2) Before making an order under this Section the Court shall give the parent or guardian an opportunity to appear and be heard, and no such order shall be made if the parent or guardian satisfies the Court that he has not conduced to the commission of the offence by neglecting to control the offender, or that the offence was not committed in furtherance of a movement prejudicial to the public safety or peace.

3) Where a parent or guardian is ordered to pay a fine under this Section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure 1898.

Extract copy

Inspector General of Police.

1184 / 6665 F

Mirle N. Lakshminaranappa, Esq., B.A., LL.B.,
Government Advocate.

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,
Bangalore, 17th April, 1939.

D. O. No. 805
With one Sealed Cover
Confidential.

Dear Sir,

17.4

I am in receipt of your D. O. letter No. P. 5328-37, dated the 5th April 1939, enclosing a copy of the Mysore Public Security Bill, at present under the consideration of the Government. My suggestions on the Bill are contained in a separate note enclosed in a sealed cover sent herewith.

Yours sincerely,

Mirle Lakshmi
Naranappa

A. Sundararaja Rao, Esq., B.A., B.L.,
Under-Secretary to Government,
Bangalore.

The Bill follows in the main measures p spr over various British Indian Acts from 1864 to 1 Almost all the suggestions mentioned below whil affecting the substance of those Acts may, I th make their local adaptation easier in the light case-law developed since they came into force t

I should prefer the word "safety" for the w "Security" in the title. In the Penal La security is generally associated with the preve provisions in Chapter VIII of the Code of Crimi Procedure. They are also associated with ensu the performance of some duty specifically enjoi on an individual in pursuance of securing the p formance of particular acts, as for example, s ity for the appearance in Court, Civil or Crimi security for the payment of amounts, etc., In junction with the word "Public", another flavou added to it which takes it still further from t scope of the proposed Bill. "Public Securitie has got a distinctive meaning when used with re ence to the investments under the Trust Act, th Guradians and Wards Act, etc., They are also understood in this sense in the commercial and ness world. Again, in clause 18, we find the word security used (and defined) in sub-clause In spite of the precedent that may be found in el I think the word "security" may be - avoided and "safety" which I believe connotes the scope of the measure better without giving room for

I do not feel that there is any necessity now to prefix the word "Mysore" to the Bill. The Central - Government cannot profess to legislate into our State when we have not yet federated with it. Since there is no Act in British India which has this title or anything similar to it, there will be no room for confusion and therefore, the reason to avoid the word "Mysore" is stronger. I do not think it is necessary to continue this relic of the old times.

I find the definite article "the" before the words "Public Safety" in line 5 of clause 3 (1). No particular kind of public safety is contemplated. It is public - safety in general. If that be so, the word "the" in that context as well as in similar places, may perhaps be omitted.

The preamble is really a very important portion of the enactment. When there are difficulties in construing the Act, it will many a time be looked into to find out what was exactly meant by the particular words in question, as it is not permissible to go beyond the preamble, as for - example to the Statement of objects and reasons or of the Debates in the Legislative Council to get at the meaning when the matter comes up for discussion in Courts of Law. The preamble has thus been made use of many a time for that purpose and I employed it similarly on two occasions in - the High Court with success. I should think it is better to state expressly in the preamble itself what the purpose of the measure is instead of leaving it to be gathered by

implication by a perusal of the whole Act. It may be against the prevailing fashion of the course of Legislation in tne Central Assembly, but ~~dx~~ I believe it is really profitable to be conservative. As a matter of fact, throughout the Bill, I do not find specific words anywhere to show what that purpose which it is stated will appear thereafter, is.

The heading of Chapter II may, I think, be made - more comprehensive so as to include the power of search in clause 7 and dissemination of offensive matter under clause 8.

This latter clause 8, I think, may go lower down than clause 10 which gives sanction for all the powers exercisable by the authority concerned in the earlier - clauses of the Act, and also because, Clause 8 is not - organically connected with other sections. It may - perhaps come at the end of the Chapter.

Sanction in clause 10 may be made comprehensive for enforcing obedience to all orders passed by the - authorities under all sections of the Chapter as for - example a contravention of a prohibition or of the - directions given in regulation of traffic under clause of that Chapter.

It will be, I think, somewhat difficult to prove that the accused who was actively ~~associated~~ connected with an - Association which was lawful at the time but subsequently became unlawful say, by having been declared to be so in pursuance of the provisions of the Act, severed his connection with that Association. For one thing, it -

ill be negative (that he is no longer a member of
he Association) which will have to be proved. -
econdly, when even in ordinary times the Police find
t difficult to gather evidence, a fortiori in times
f commotion when it will be almost impossible for the
olice Officers to get reliable evidence to show the
ubsequent disconnection between the accused and the
ssociation. On account of such failure on the part
f the prosecution to prove ~~xxxxx~~ negative, many an
ccused escaped in British India. It will be no -
ardship at all, I think to throw the onus on the accuse
f proving that he ceased to be a member of the Asso-
iation provided the prosecution proves that he was once
member, as it will be a matter particularly within his
nowledge. Therefore, I should like to suggest an addi-
ion by way of a separate sub-clause throwing the onus
n the accused of his severance with the association if
he prosecution will have proved that the accused was ~~on~~ on
member of the association before it became unlawful.
hrowing the burden of proof in that way is neither novel
or unprecedented. Indeed, it is suggested in clause 3:
f this very Bill.

It may be better, I think, to put the phrase "In a
roclaimed area" after the word "resort" in line 2 of -
lause 23. Similarly, the words "With ~~the~~ out- the permission
n writing of the District Magistrate previously obtaine
n lines 4 and 5 of that ~~x~~ clause may follow the word -
present" lower down.

D. O. No. P 5759-63 GENERAL AND REVENUE SECRETARIAT 121

Dated, Bangalore, 1st May 1939.

CONFIDENTIAL

Dear Sir,

I am desired to invite reference to my letter D.O. No. 5328-37 dated the 5th. April 1939 and to request that the suggestion called for therein regarding the Public Security Bill may be sent very early.

Yours sincerely,

1.5

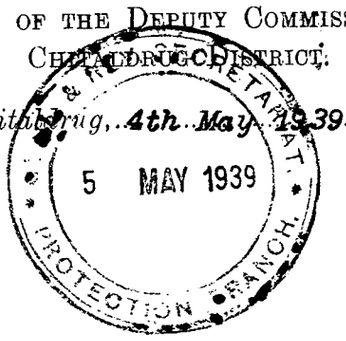
ANEETHAM NAIDU, B.A., B.L.,
Deputy Commissioner.

D.C. 45/38-39

6822/P

OFFICE OF THE DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT.

Dated Chitaldrug, 4th May 1939.....193



CONFIDENTIAL

Dear Sir,

With reference to your confidential D.O.letter No.P.5328-37 dated 5th April 1939 forwarding a copy of the Mysore Public Security Bill and calling for any suggestions I may have about the Bill, I write to state that I have only the two following suggestions for consideration;-

(1) Chapter I - Section 1 - Clause(2); This may perhaps be altered to the following effect;-

"This Act extends to the whole of Mysore, provided the Government may by notification in the official Gazette exclude any local area from its operation and may in like manner, cancel or modify such notification from time to time."

(2) Chapter IV - Section 20 - Clause(1);

It would be necessary and desirable that no such public meeting as is mentioned in this section should be held in any proclaimed area, unless permission to hold such meeting has been previously obtained in writing from the District Magistrate.

The proviso(a) of this clause viz, "unless written notice of the intention to hold such meeting and of the time and place of such meeting has been given to the District Magistrate at least three days previously" might lead to some difficulty and enable the party to commit a breach and take shelter. This proviso(a) may perhaps be best deleted.

Only the proviso(b) may be allowed, adding therein the word 'previously' between the words 'has been' and 'obtained in writing'

Yours sincerely,

Naranca

A. Sundararaja Rao, Esq., B.A., B.L.,
Under Secretary to Government,
General and Revenue Secretariat,
Old Public Offices,
Bangalore.

Confidential

H. Admin. (F) No. 5.

R.O.C. No. 1298/38-39
~~Dis.~~

6927/P

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 10th May 1939 19~~3~~9.

FROM

T. SHAMIENGAR, Esq., B.A., B.L.,
Registrar, High Court of Mysore.

To

Rajasevaprasakta
B.T. Kesaviengar, Esq.,B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

SIR,

With reference to your D.O.No.P.5338/ dated 5-4-1939 in connection with the Mysore Public Security Bill now under the consideration of the Government, I am directed to state that as the Judges are away (except the vacation Judge) it is not possible to obtain their individual views and that it is with the view of getting their opinion recorded that the file was kept by; but, as a reminder has since been received and the matter appears to be urgent, I am desired to state that the views of the Judges were communicated to Government when the desirability of introducing a measure like the Criminal Law Amendment Act of 1932 was under consideration. It is not quite apparent in what direction the suggestions of the Judges are now wanted. The desirability or otherwise of enacting the different provisions of the Bill is a matter for the Government to decide. Different clauses in the bill are taken from different enactments in British India and seem to cover cases of anticipated trouble. It is desirable to have the powers contemplated in the bill to meet cases of emergencies that may arise in future. If they do not arise, so much the better; but to be prepared beforehand is advisable, if the measure can be successfully piloted in the Legislature.

The nomenclature- "Public Security Bill" may perhaps be more appropriately changed to "Public Safety Bill". The latter is the more common name for measures of the kind. Clauses 5 to 8 inclusive do not appropriately fall under Chap II, considering the heading of the Chapter. Either the heading may be changed or the clauses relegated to the last "Supplemental" Chapter. The rest of the bill appears to

alright, except for the omission of the word "be" in line 5 on page 13, between "~~May~~ may" and "Apprehended

I have the honour to be,
S i r,
Your most obedient servant,

J. Chamberlain
Registrar.

Mr. Abdul Aziz Khan,
Deputy Commissioner

D.O.

CC 97/38-39

Confidential

DEPUTY COMMISSIONER'S OFFICE,
BANGALORE,

Dated....22nd May.....1939.

Dear Sir

I have gone through the copy of the Mysore Public Security Bill received with your D.O.letter No.P.5328-37 dated 5th April 1939. The Bill seems to be suitable f or adoption. The need for such a measure was keenly felt for some time and in fact it seems to be overdue. I note below a few points which struck me as deserving of being noticed:

1. Among the penal provisions of the Bill, the limit of fine leviable under section 24 is fixed at Rs.500/- No limit is prescribed in the other penal sections like 10,12,22,23 and 28. No doubt under section 63 I.P.C. where no sum is expressed to wh a fine may extend, the amount is unlimited but should not be excessive and this section is held applicable to all the Acts, Regulations etc. As offences under the proposed Bill are triable by courts not inferior to that of a Magistrate of the First Class, who under section 36 Cr.P.C. can levy fines up to Rs.1000/-, it seems better to fix the maximum amount of fine leviable for offences under the other sections also, as has been done in section 24 of the Bill.

2. Again, section 24 of the Bill, clause 2 and section 30 prescribe that no court shall take cognizance of an offences punishable under chapter V and VI, except upon a report in writing made by a police Officer not below the rank of a Sub-Inspector. But, for offences under chapters II, III and IV, no such direction has been given. It seems desirable

matters clear by the insertion of a section of gener
application in chapter VIII, so as to make provision
in respect of these sections also, clause 2 of secti
24 and section 30 being omitted.

3. Section 25 of the Bill states that offences punishable by section 24 are cognizable and non-bailable. How the other offences viz., those under section 10,12,22,23 and 28 are to be treated has not been made clear. I think it necessary that this should be done.

Lastly, I would suggest the insertion of the phrase " On conviction " between the word 'shall' and ' be in the last but two lines of section 23. This phrase may also be inserted in the appropriate places in the other penal sections.

ordered that the accompanying Emergency Act
(The Mysore Public Security Act) be published as Act XXIV
of 1939, in the Mysore Gazette for general inform

Whereas an emergency has arisen
which makes it expedient to supplement
the Criminal Law for the purpose of
securing the public safety and interest;

Now therefore, in exercise of the power
conferred by Section 12 of the Mysore Legislative
Council Act, 1923, it is hereby enacted
as follows:—

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

O R D E R No. L.221[illegible]-Legis 22-39-1

Dated, Bangalore the 25th September 1939.

Ordered that the accompanying Emergency Act (the Mysore Public Security Act) be published as Act No.XXIV of 1939, in the Mysore Gazette for general information.

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette for publication in Part IV of the Gazette Extraordinary to be issued today alone, and for supply of spare copies as per Standing Orders.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE SECRETARIAT

No.F.2211-24-22-39-2 DATED BANGALORE THE 25th SEPTEMBER 1939

NOTIFICATION.

In exercise of the power conferred by section 1(2)of the Mysore Public Security Act, 1939, the Government of His Highness the Maharaja of Mysore are pleased to apply all the provisions of the said Mysore Public Security Act, 1939 to the whole of Mysore.

By Order,

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette for publication as Gazette Extraordinary today and for supply of 10 copies to this office.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No. R.221 2-Leg 22-39-3 Dated Bangalore the 25th September

NOTIFICATION.

In exercise of the powers conferred by Section 3 of the Mysore Public Security Act, 1939, the Government of His Highness the Maharaja of Mysore are pleased to authorise/all the District Magistrates of Mysore to exercise the powers conferred by the said section 3 of the said Mysore Public Security Act, 1939.

They are furtner pleased to direct that the custody to which any person arrested under the said section 3 is to be committed shall be, the Central Jail at Bangalore, the Jail at Mysore or the District Lock-ups of Districts.

By Order,

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette for publication ~~xx~~ as a Gazette Extraordinary today and for supply of 100 copies to this office.